
PRELIMINARY DRAFT
No. 3304

PREPARED BY
LEGISLATIVE SERVICES AGENCY
2006 GENERAL ASSEMBLY

DIGEST

Citations Affected: Numerous citations throughout the Indiana Code.

Synopsis: Technical correction bill. Part B of the 2006 technical corrections bill.

Effective: Upon passage.



A BILL FOR AN ACT to amend the Indiana Code concerning
general provisions.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 3-11-4-5.1, AS AMENDED BY P.L.103-2005,
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 5.1. (a) The commission shall prescribe the
4 form of an application for an absentee ballot.

5 (b) This subsection does not apply to the form for an absentee ballot
6 application to be submitted by an absent uniformed services voter or
7 overseas voter that contains a standardized oath for those voters. The
8 form of the application for an absentee ballot must do all of the
9 following:

10 (1) Require the applicant to swear to or affirm under the penalties
11 of perjury that all of the information set forth on the application
12 is true to the best of the applicant's knowledge and belief.

13 (2) Require a person who assisted with the completion of the
14 application to swear to or affirm under the penalties of perjury the
15 statements set forth in ~~section 2(e)~~ **section 2(f)** of this chapter.

16 (3) Set forth the penalties for perjury.

17 (c) The form prescribed by the commission shall require that a voter
18 who:

19 (1) requests an absentee ballot; and

20 (2) is eligible to vote in the precinct under IC 3-10-11 or
21 IC 3-10-12;

22 must include the affidavit required by IC 3-10-11 or a written
23 affirmation described in IC 3-10-12.

24 SECTION 2. IC 4-1-11-10, AS ADDED BY P.L.91-2005,
25 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 UPON PASSAGE]: Sec. 10. If a state agency is required to provide
27 notice under this ~~section~~ **chapter** to more than one thousand (1,000)
28 individuals, the state agency shall notify without unreasonable delay all
29 consumer reporting agencies (as defined in 15 U.S.C. 1681a) of the
30 distribution and content of the notice.

31 SECTION 3. IC 4-4-10.9-1.2, AS ADDED BY P.L.235-2005,



SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.2. "Affected statutes" means all statutes that grant a power to or impose a duty on the authority, including but not limited to IC 4-4-11, **IC 4-4-11.4**, IC 4-4-21, IC 4-13.5, IC 8-1-33, IC 8-9.5, IC 8-14.5, IC 8-15, IC 8-16, IC 13-18-13, IC 13-18-21, IC 13-19-5, IC 14-14, and IC 15-7-5.

SECTION 4. IC 4-4-11-2.5, AS ADDED BY P.L.235-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.5. (a) The general assembly makes the following findings of fact in addition to those set forth in section 2 of this chapter:

(1) There are currently numerous bodies corporate and politic of the state, with separate decision making and borrowing authority, that may issue bonds, notes, **and** obligations, and otherwise access the financial markets.

(2) Consolidation of this decision making and borrowing authority may provide economic efficiencies and management synergies and enable the state to communicate, with a single voice, with the various participants in the financial markets, including credit rating agencies, investment bankers, investors, and municipal bond insurers and other credit enhancers.

(b) In addition to the purposes set forth in section 2 of this chapter, the authority is established for the purpose of permitting the consolidation of certain bodies in a single body of decision making concerning access to the capital and financial markets in the name of, or for the benefit of, the state.

(c) The authority is authorized to carry out the public purposes provided for in the affected statutes through a single entity in order to achieve the purposes of this section.

SECTION 5. IC 4-4-11-15, AS AMENDED BY P.L.232-2005, SECTION 3, AND AS AMENDED BY P.L.235-2005, SECTION 19, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) The authority is granted all powers necessary or appropriate to carry out and effectuate its public and corporate purposes under *this chapter, IC 4-4-21, and IC 15-7-5, the affected statutes*, including but not limited to the following:

(1) Have perpetual succession as a body politic and corporate and an independent instrumentality exercising essential public functions.

(2) Without complying with IC 4-22-2, adopt, amend, and repeal bylaws, rules, *guidelines*, and *regulations policies* not inconsistent with *this chapter, IC 4-4-21, and IC 15-7-5, the affected statutes*, and necessary or convenient to regulate its affairs and to carry into effect the powers, duties, and purposes of the authority and conduct its business *under the affected statutes*.



These bylaws, rules, guidelines, and policies must be made by a resolution of the authority introduced at one (1) meeting and approved at a subsequent meeting of the authority.

(3) Sue and be sued in its own name.

(4) Have an official seal and alter it at will.

(5) Maintain an office or offices at a place or places within the state as it may designate.

(6) Make, ~~and~~ execute, *and enforce* contracts and all other instruments necessary, ~~or~~ convenient, *or desirable* for the *performance of its duties and the exercise of its powers and functions under this chapter, IC 4-4-21, and IC 15-7-5. purposes of the authority or pertaining to:*

(A) a purchase, acquisition, or sale of securities or other investments; or

(B) the performance of the authority's duties and execution of any of the authority's powers under the affected statutes.

(7) Employ architects, engineers, attorneys, inspectors, accountants, agriculture experts, silviculture experts, aquaculture experts, and financial experts, and such other advisors, consultants, and agents as may be necessary in its judgment and to fix their compensation.

(8) Procure insurance against any loss in connection with its property and other assets, including loans and loan notes in amounts and from insurers as it may consider advisable.

(9) Borrow money, make guaranties, issue bonds, and otherwise incur indebtedness for any of the authority's purposes, and issue debentures, notes, or other evidences of indebtedness, whether secured or unsecured, to any person, as provided by *this chapter, IC 4-4-21, IC 4-4-11.4 and IC 15-7-5, the affected statutes.*

Notwithstanding any other law, the:

(A) issuance by the authority of any indebtedness that establishes a procedure for the authority or a person acting on behalf of the authority to certify to the general assembly the amount needed to restore a debt service reserve fund or another fund to required levels; or

(B) execution by the authority of any other agreement that creates a moral obligation of the state to pay all or part of any indebtedness issued by the authority;

is subject to review by the budget committee and approval by the budget director.

(10) Procure insurance or guaranties from any public or private entities, including any department, agency, or instrumentality of the United States, for payment of any bonds issued by the authority or for reinsurance on amounts paid from the industrial development project guaranty fund, including the power to pay premiums on any insurance or reinsurance.



(11) Purchase, receive, take by grant, gift, devise, bequest, or otherwise, and accept, from any source, aid or contributions of money, property, labor, or other things of value to be held, used, and applied to carry out the purposes of *this chapter, IC 4-4-21, and IC 15-7-5, the affected statutes*, subject to the conditions upon which the grants or contributions are made, including but not limited to gifts or grants from any department, agency, or instrumentality of the United States, and lease or otherwise acquire, own, hold, improve, employ, use, and otherwise deal in and with real or personal property or any interest in real or personal property, wherever situated, for any purpose consistent with *this chapter, IC 4-4-21, or IC 15-7-5, the affected statutes*.

(12) Enter into agreements with any department, agency, or instrumentality of the United States or this state and with lenders and enter into loan agreements, sales contracts, and leases with contracting parties, including *participants (as defined in IC 13-11-2-151.1) for any purpose permitted under IC 13-18-13 or IC 13-18-21*, borrowers, lenders, developers, or users, for the purpose of planning, regulating, and providing for the financing and refinancing of any agricultural enterprise (as defined in IC 15-7-4.9-2), rural development project (as defined in IC 15-7-4.9-19.5), industrial development project, *purpose permitted under IC 13-18-13 and IC 13-18-21*, or international exports, and distribute data and information concerning the encouragement and improvement of agricultural enterprises and agricultural employment, rural development projects, industrial development projects, international exports, and other types of employment in the state undertaken with the assistance of the authority under this chapter.

(13) Enter into contracts or agreements with lenders and lessors for the servicing and processing of loans and leases pursuant to *this chapter, IC 4-4-21, and IC 15-7-5, the affected statutes*.

(14) Provide technical assistance to local public bodies and to profit and nonprofit entities in the development or operation of agricultural enterprises, rural development projects, and industrial development projects.

(15) To the extent permitted under its contract with the holders of the bonds of the authority, consent to any modification with respect to the rate of interest, time, and payment of any installment of principal or interest, or any other term of any contract, loan, loan note, loan note commitment, contract, lease, or agreement of any kind to which the authority is a party.

(16) To the extent permitted under its contract with the holders of bonds of the authority, enter into contracts with any lender containing provisions enabling it to reduce the rental or carrying charges to persons unable to pay the regular schedule of charges



when, by reason of other income or payment by any department, agency, or instrumentality of the United States of America or of this state, the reduction can be made without jeopardizing the economic stability of the agricultural enterprise, rural development project, or industrial development project being financed.

(17) *Notwithstanding IC 5-13, but subject to the requirements of any trust agreement entered into by the authority, invest: ~~any funds not needed for immediate disbursement, including any funds held in reserve, in direct and general obligations of or obligations fully and unconditionally guaranteed by the United States, obligations issued by agencies of the United States, obligations of this state, or any obligations or securities which may from time to time be legally purchased by governmental subdivisions of this state pursuant to IC 5-13, or any obligations or securities which are permitted investments for bond proceeds or any construction, debt service, or reserve funds secured under the trust indenture or resolution pursuant to which bonds are issued.~~*

(A) *the authority's money, funds, and accounts;*

(B) *any money, funds, and accounts in the authority's custody;*
and

(C) *proceeds of bonds or notes;*

in the manner provided by an investment policy established by resolution of the authority.

(18) *Fix and revise periodically, and charge and collect, fees and charges as the authority determines to be reasonable in connection with: ~~its~~*

(A) *the authority's loans, guarantees, advances, insurance, commitments, and servicing; and*

(B) *the use of the authority's services or facilities.*

(19) *Cooperate and exchange services, personnel, and information with any federal, state, or local government agency, or instrumentality of the United States or this state.*

(20) *Sell, at public or private sale, with or without public bidding, any loan or other obligation held by the authority.*

(21) *Enter into agreements concerning, and acquire, hold, and dispose by any lawful means, land or interests in land, building improvements, structures, personal property, franchises, patents, accounts receivable, loans, assignments, guarantees, and insurance needed for the purposes of ~~this chapter, IC 4-4-21, or IC 15-7-5, the affected statutes.~~*

(22) *Take assignments of accounts receivable, loans, guarantees, insurance, notes, mortgages, security agreements securing notes, and other forms of security, attach, seize, or take title by foreclosure or conveyance to any industrial development project*



when a guaranteed loan thereon is clearly in default and when in the opinion of the authority such acquisition is necessary to safeguard the industrial development project guaranty fund, and sell, or on a temporary basis, lease, or rent such industrial development project for any use.

(23) Expend money, as the authority considers appropriate, from the industrial development project guaranty fund created by section 16 of this chapter.

(24) Purchase, lease as lessee, construct, remodel, rebuild, enlarge, or substantially improve industrial development projects, including land, machinery, equipment, or any combination thereof.

(25) Lease industrial development projects to users or developers, with or without an option to purchase.

(26) Sell industrial development projects to users or developers, for consideration to be paid in installments or otherwise.

(27) Make direct loans from the proceeds of the bonds to users or developers for:

(A) the cost of acquisition, construction, or installation of industrial development projects, including land, machinery, equipment, or any combination thereof; or

(B) eligible expenditures for an educational facility project described in IC 4-4-10.9-6.2(a)(2);

with the loans to be secured by the pledge of one (1) or more bonds, notes, warrants, or other secured or unsecured debt obligations of the users or developers.

(28) Lend or deposit the proceeds of bonds to or with a lender for the purpose of furnishing funds to such lender to be used for making a loan to a developer or user for the financing of industrial development projects under this chapter.

(29) Enter into agreements with users or developers to allow the users or developers, directly or as agents for the authority, to wholly or partially construct industrial development projects to be leased from or to be acquired by the authority.

(30) Establish reserves from the proceeds of the sale of bonds, other funds, or both, in the amount determined to be necessary by the authority to secure the payment of the principal and interest on the bonds.

(31) Adopt rules *and guidelines* governing its activities authorized under *this chapter, IC 4-4-21, and IC 15-7-5, the affected statutes.*

(32) Use the proceeds of bonds to make guaranteed participating loans.

(33) Purchase, discount, sell, and negotiate, with or without guaranty, notes and other evidences of indebtedness.

(34) Sell and guarantee securities.



- 1 (35) Make guaranteed participating loans under IC 4-4-21-26.
- 2 (36) Procure insurance to guarantee, insure, coinsure, and
- 3 reinsure against political and commercial risk of loss, and any
- 4 other insurance the authority considers necessary, including
- 5 insurance to secure the payment of principal and interest on notes
- 6 or other obligations of the authority.
- 7 (37) Provide performance bond guarantees to support eligible
- 8 export loan transactions, subject to the terms of *this chapter or*
- 9 *~~IC 4-4-21~~ the affected statutes.*
- 10 (38) Provide financial counseling services to Indiana exporters.
- 11 (39) Accept gifts, grants, or loans from, and enter into contracts
- 12 or other transactions with, any federal or state agency,
- 13 municipality, private organization, or other source.
- 14 (40) Sell, convey, lease, exchange, transfer, or otherwise dispose
- 15 of property or any interest in property, wherever the property is
- 16 located.
- 17 (41) Cooperate with other public and private organizations to
- 18 promote export trade activities in Indiana.
- 19 (42) Make guarantees and administer the agricultural loan and
- 20 rural development project guarantee fund established by
- 21 IC 15-7-5.
- 22 (43) Take assignments of notes and mortgages and security
- 23 agreements securing notes and other forms of security, and attach,
- 24 seize, or take title by foreclosure or conveyance to any
- 25 agricultural enterprise or rural development project when a
- 26 guaranteed loan to the enterprise or rural development project is
- 27 clearly in default and when in the opinion of the authority the
- 28 acquisition is necessary to safeguard the agricultural loan and
- 29 rural development project guarantee fund, and sell, or on a
- 30 temporary basis, lease or rent the agricultural enterprise or rural
- 31 development project for any use.
- 32 (44) Expend money, as the authority considers appropriate, from
- 33 the agricultural loan and rural development project guarantee
- 34 fund created by IC 15-7-5-19.5.
- 35 (45) Reimburse from bond proceeds expenditures for industrial
- 36 development projects under this chapter.
- 37 (46) *Acquire, hold, use, and dispose of the authority's income,*
- 38 *revenues, funds, and money.*
- 39 (47) *Purchase, acquire, or hold debt securities or other*
- 40 *investments for the authority's own account at prices and in a*
- 41 *manner the authority considers advisable, and sell or otherwise*
- 42 *dispose of those securities or investments at prices without*
- 43 *relation to cost and in a manner the authority considers*
- 44 *advisable.*
- 45 (48) *Fix and establish terms and provisions with respect to:*
- 46 (A) *a purchase of securities by the authority, including dates*



and maturities of the securities;

(B) redemption or payment before maturity; and

(C) any other matters that in connection with the purchase are necessary, desirable, or advisable in the judgment of the authority.

(49) To the extent permitted under the authority's contracts with the holders of bonds or notes, amend, modify, and supplement any provision or term of:

(A) a bond, a note, or any other obligation of the authority; or

(B) any agreement or contract of any kind to which the authority is a party.

(50) Subject to the authority's investment policy, do any act and enter into any agreement pertaining to a swap agreement (as defined in IC 8-9.5-9-4) related to the purposes of the affected statutes in accordance with IC 8-9.5-9-5 and IC 8-9.5-9-7, whether the action is incidental to the issuance, carrying, or securing of bonds or otherwise.

~~(#6)~~ (51) Do any act necessary or convenient to the exercise of the powers granted by *this chapter, IC 4-4-21, or IC 15-7-5*, the affected statutes, or reasonably implied from those statutes, including but not limited to compliance with requirements of federal law imposed from time to time for the issuance of bonds.

(b) The authority's powers under this chapter shall be interpreted broadly to effectuate the purposes of this chapter and may not be construed as a limitation of powers. *The omission of a power from the list in subsection (a) does not imply that the authority lacks that power. The authority may exercise any power that is not listed in subsection (a) but is consistent with the powers listed in subsection (a) to the extent that the power is not expressly denied by the Constitution of the State of Indiana or by another statute.*

(c) This chapter does not authorize the financing of industrial development projects for a developer unless any written agreement that may exist between the developer and the user at the time of the bond resolution is fully disclosed to and approved by the authority.

(d) *The authority shall work with and assist the Indiana health and educational facility financing authority established by IC 5-1-16-2, the Indiana housing finance authority established by IC 5-20-1-3, the Indiana port commission established under IC 8-10-1, and the state fair commission established by IC 15-1.5-2-1 in the issuance of bonds, notes, or other indebtedness. The Indiana health and educational facility financing authority, the Indiana housing finance authority, the Indiana port commission, and the state fair commission shall work with and cooperate with the authority in connection with the issuance of bonds, notes, or other indebtedness.*

SECTION 6. IC 4-4-11-15.3, AS ADDED BY P.L.235-2005, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



UPON PASSAGE]: Sec. 15.3. The authority: ~~may not:~~

(1) **may not** deal in securities within the meaning of or subject to any securities law, securities exchange law, or securities dealers law of the United States of America or of the state or of any other state or jurisdiction, domestic or foreign, except as authorized in the affected statutes;

(2) **may not:**

(A) emit bills of credit; ~~or~~

(B) accept deposits of money for time or demand deposit; ~~or~~

(C) administer trusts; ~~or~~

(D) engage in any form or manner, or in the conduct of, any private or commercial banking business; or

(E) act as a savings bank, ~~or~~ savings association, or any other kind of financial institution; ~~or and~~

(3) **may not** engage in any form of private or commercial banking business.

SECTION 7. IC 4-4-11.4-7, AS ADDED BY P.L.232-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) The authority may issue its bonds in principal amounts that the authority considers necessary to provide funds for the purposes under this chapter, including the following:

(1) Providing a source of money for the Indiana twenty-first century research and technology fund established by ~~IC 4-4-5.1-3.~~

IC 5-28-16-2.

(2) Payment, funding, or refunding of the principal of, or interest or redemption premiums on, bonds issued by the authority under this chapter whether the bonds or interest to be paid, funded, or refunded have or have not become due.

(3) Establishment or increase of reserves to secure or to pay bonds or interest on bonds and all other costs or expenses of the authority incident to and necessary or convenient to carry out the authority's corporate purposes and powers under this chapter.

(b) Every issue of bonds shall be obligations of the authority payable solely out of the revenues or funds of the authority under section 15 of this chapter, subject to agreements with the holders of a particular series of bonds pledging a particular revenue or fund. Bonds may be additionally secured by a pledge of a grant or contributions from the United States, a political subdivision, or a person, or by a pledge of income or revenues, funds, or money of the authority from any source.

SECTION 8. IC 4-13-1-4, AS AMENDED BY P.L.11-2005, SECTION 1, P.L.177-2005, SECTION 5, AND P.L.214-2005, SECTION 4, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. The department shall, subject to this chapter, do the following:

(1) Execute and administer all appropriations as provided by law, and execute and administer all provisions of law that impose



1 duties and functions upon the executive department of
 2 government, including executive investigation of state agencies
 3 supported by appropriations and the assembly of all required data
 4 and information for the use of the executive department and the
 5 legislative department.

6 (2) Supervise and regulate the making of contracts by state
 7 agencies.

8 (3) Perform the property management functions required by
 9 IC 4-20.5-6.

10 (4) Assign office space and storage space for state agencies in the
 11 manner provided by IC 4-20.5-5.

12 (5) Maintain and operate the following for state agencies:

13 (A) Central duplicating.

14 (B) Printing.

15 (C) Machine tabulating.

16 (D) Mailing services.

17 (E) Centrally available supplemental personnel and other
 18 essential supporting services.

19 ~~(F) Information services.~~

20 ~~(G) Telecommunication services.~~

21 The department may require state agencies to use these general
 22 services in the interests of economy and efficiency. The general
 23 services rotary fund ~~the telephone rotary fund, and the data~~
 24 ~~processing rotary fund are~~ is established through which ~~these~~
 25 ~~these~~ services may be rendered to state agencies. The budget
 26 agency shall determine the amount for ~~each~~ the general services
 27 rotary fund.

28 (6) Control and supervise the acquisition, operation, maintenance,
 29 and replacement of state owned vehicles by all state agencies. The
 30 department may establish and operate, in the interest of economy
 31 and efficiency, a motor vehicle pool, and may finance the pool by
 32 a rotary fund. The budget agency shall determine the amount to
 33 be deposited in the rotary fund.

34 (7) Promulgate and enforce rules relative to the travel of officers
 35 and employees of all state agencies when engaged in the
 36 performance of state business. These rules may allow
 37 reimbursement for travel expenses by any of the following
 38 methods:

39 (A) Per diem.

40 (B) For expenses necessarily and actually incurred.

41 (C) Any combination of the methods in clauses (A) and (B).

42 The rules must require the approval of the travel by the
 43 commissioner and the head of the officer's or employee's
 44 department prior to payment.

45 (8) Administer IC 4-13.6.

46 (9) Prescribe the amount and form of certified checks, deposits,



or bonds to be submitted in connection with bids and contracts when not otherwise provided for by law.

(10) Rent out, with the approval of the governor, any state property, real or personal:

(A) not needed for public use; or

(B) for the purpose of providing services to the state or employees of the state;

the rental of which is not otherwise provided for or prohibited by law. Property may not be rented out under this subdivision for a term exceeding ten (10) years at a time. However, if property is rented out for a term of more than four (4) years, the commissioner must make a written determination stating the reasons that it is in the best interests of the state to rent property for the longer term. This subdivision does not include the power to grant or issue permits or leases to explore for or take coal, sand, gravel, stone, gas, oil, or other minerals or substances from or under the bed of any of the navigable waters of the state or other lands owned by the state.

(11) Have charge of all central storerooms, supply rooms, and warehouses established and operated by the state and serving more than one (1) agency.

(12) Enter into contracts and issue orders for printing as provided by IC 4-13-4.1.

(13) Sell or dispose of surplus property under IC 5-22-22, or if advantageous, to exchange or trade in the surplus property toward the purchase of other supplies, materials, or equipment, and to make proper adjustments in the accounts and inventory pertaining to the state agencies concerned.

(14) With respect to power, heating, and lighting plants owned, operated, or maintained by any state agency:

(A) inspect;

(B) regulate their operation; and

(C) recommend improvements to those plants to promote economical and efficient operation.

(15) Administer, determine salaries, and determine other personnel matters of the department of correction ombudsman bureau established by IC 4-13-1.2-3.

(16) Adopt rules to establish and implement a "Code Adam" safety protocol as described in IC 4-20.5-6-9.

(17) Adopt policies and standards for making state owned property reasonably available to be used free of charge as locations for making motion pictures.

SECTION 9. IC 4-15-2-35.5, AS ADDED BY P.L.222-2005, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 35.5. (a) This section applies only to an employee who has been suspended or terminated by the ethics



1 commission.

2 (b) An employee who has been suspended or terminated by the
3 ethics commission may request that the ethics commission reconsider
4 its decision by filing a written petition for reconsideration with the
5 ethics commission not later than fifteen (15) days after the date on
6 which the employee was suspended or terminated. The employee must
7 include in the petition for reconsideration a concise statement of the
8 reasons that the employee believes that the termination or suspension
9 was erroneous.

10 (c) After receipt of the petition for reconsideration, the ethics
11 commission shall set the matter for hearing. At the hearing, the
12 employee is entitled to the due process protections of IC 4-21.5,
13 including the right to:

- 14 (1) be represented by counsel;
- 15 (2) present relevant evidence; and
- 16 (3) cross-examine opposing witnesses.

17 (d) The ethics commission shall rule on the petition for
18 reconsideration not later than thirty (30) days from the date of the
19 hearing. The ethics commission may:

- 20 (1) affirm its decision to suspend or terminate the employee;
- 21 (2) modify its decision to suspend or terminate the employee by:
22 (A) reducing the term of suspension; or
23 (B) vacating its order for termination and imposing a term of
24 suspension; or
- 25 (3) vacate its order to suspend or terminate the employee.

26 (e) If the ethics commission vacates its order to suspend or
27 terminate the employee under subsection (d)(3), the ethics commission
28 may order the payment of all or part of the wages lost by the employee
29 during the period of suspension or termination.

30 (f) Unless the ethics commission orders otherwise, the pendency of
31 a petition for reinstatement does not stay the order for termination or
32 suspension.

33 (g) An employee who has filed a petition for reconsideration may
34 not file a second or subsequent petition for reconsideration.

35 (h) If the ruling by the ethics commission on the employee's petition
36 for reconsideration is not agreeable to the employee, the employee may
37 submit an appeal in writing to the commission not later than fifteen
38 (15) calendar days after the date of the ruling by the ethics commission
39 on the petition for reconsideration. After submission of the appeal, the
40 commission shall, before rendering its decision, grant the appealing
41 employee and the ethics commission a public hearing, with the right to
42 be represented and to present evidence. With respect to all appeals, the
43 commission shall render its decision within thirty (30) days after the
44 date of the hearing on the appeal. If the commission finds that the
45 action against the employee was taken on the basis of politics, religion,
46 sex, age, race, or because of membership in an employee organization,



the employee shall be reinstated without loss of pay. In all other cases the ethics commission shall follow the recommendation of the commission, which may include reinstatement and payment of salary or wages lost by the employee, which may be mitigated by any wages the employee earned from other employment during a period when the employee was dismissed or suspended.

(i) If the recommendation of the commission under subsection (h) is not agreeable to the employee, not later than fifteen (15) calendar days after receipt of the commission's recommendation, the employee may elect to submit the complaint to arbitration. The cost of arbitration shall be shared equally by the employee and the state of Indiana. The commissioner of labor shall prepare a list of three (3) impartial individuals trained in labor relations, and from this list each party shall strike one (1) name. The remaining arbitrator shall consider the issues that were presented to the commission and shall afford the parties a public hearing with the right to be represented and to present evidence. The arbitrator's findings and recommendations shall be binding on both parties and shall immediately be instituted by the commission.

SECTION 10. IC 4-22-2-28.1, AS ADDED BY P.L.239-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 28.1. (a) This section applies to a rule for which the notice required by section 23 of this chapter **or IC 13-14-9-4** is published by an agency **or by any of the boards (as defined in IC 13-11-2-18)** after June 30, 2005.

(b) As used in this section, "coordinator" refers to the small business regulatory coordinator assigned to a rule by an agency under subsection (e).

(c) As used in this section, "director" refers to the director or other administrative head of an agency.

(d) As used in this section, "small business" means any person, firm, corporation, limited liability company, partnership, or association that:

- (1) is actively engaged in business in Indiana and maintains its principal place of business in Indiana;
- (2) is independently owned and operated;
- (3) employs not more than one hundred (100) full-time employees; and
- (4) has gross annual receipts of not more than five million dollars (\$5,000,000).

(e) For each:

- (1) rulemaking action; and
- (2) rule finally adopted as a result of a rulemaking action;

by an agency under this chapter, the agency shall assign one (1) staff person to serve as the agency's small business regulatory coordinator with respect to the proposed or adopted rule. The agency shall assign a staff person to a rule under this subsection based on the person's knowledge of, or experience with, the subject matter of the rule. A staff



person may serve as the coordinator for more than one (1) rule proposed or adopted by the agency if the person is qualified by knowledge or experience with respect to each rule. Subject to subsection (f), in the case of a proposed rule, the agency's notice of intent to adopt the rule **published** under section 23 of this chapter **or IC 13-14-9-3** must include the name, address, telephone number, and electronic mail address of the small business coordinator for the proposed rule. Subject to subsection (f), in the case of a rule finally adopted by the agency, the final rule, as published in the Indiana Register and the Indiana Administrative Code, must include the name, address, telephone number, and electronic mail address of the coordinator.

(f) This subsection applies to a rule adopted by the department of environmental management or any of the boards (as defined in IC 13-11-2-18) under IC 13-14-9. In addition to the information required under subsection (e), the department or the board shall include in the notice provided under ~~section 23 of this chapter~~ **IC 13-14-9-3** and in the publication of the final rule in the Indiana Register and the Indiana Administrative Code:

(1) a statement of the resources available to regulated entities through the technical and compliance assistance program established under IC 13-28-3;

(2) the name, address, telephone number, and electronic mail address of the ombudsman designated under IC 13-28-3-2; and

(3) if applicable, a statement of:

(A) the resources available to small businesses through the small business stationary source technical assistance program established under IC 13-28-5; and

(B) the name, address, telephone number, and electronic mail address of the ombudsman for small business designated under IC 13-28-5-2(3).

The coordinator assigned to the rule under subsection (e) shall work with the ombudsman described in subdivision (2) and the office of voluntary compliance established by IC 13-28-1-1 to coordinate the provision of services required under subsection (g) and IC 13-28-3. If applicable, the coordinator assigned to the rule under subsection (e) shall work with the ombudsman referred to in subdivision (3)(B) to coordinate the provision of services required under subsection (g) and IC 13-28-5.

(g) The coordinator assigned to a rule under subsection (e) shall serve as a liaison between the agency and any small business subject to regulation under the rule. The coordinator shall provide guidance to small businesses affected by the rule on the following:

(1) Any requirements imposed by the rule, including any reporting, record keeping, or accounting requirements.

(2) How the agency determines or measures compliance with the



rule, including any deadlines for action by regulated entities.

(3) Any penalties, sanctions, or fines imposed for noncompliance with the rule.

(4) Any other concerns of small businesses with respect to the rule, including the agency's application or enforcement of the rule in particular situations. However, in the case of a rule adopted under IC 13-14-9, the coordinator assigned to the rule may refer a small business with concerns about the application or enforcement of the rule in a particular situation to the ombudsman designated under IC 13-28-3-2 or, if applicable, under IC 13-28-5-2(3).

(h) The coordinator assigned to a rule under subsection (e) shall provide guidance under this section in response to questions and concerns expressed by small businesses affected by the rule. The coordinator may also issue general guidelines or informational pamphlets to assist small businesses in complying with the rule. Any guidelines or informational pamphlets issued under this subsection shall be made available:

(1) for public inspection and copying at the offices of the agency under IC 5-14-3; and

(2) electronically through electronic gateway access.

(i) The coordinator assigned to a rule under subsection (e) shall keep a record of all comments, questions, and complaints received from small businesses with respect to the rule. The coordinator shall deliver the record, along with any accompanying documents submitted by small businesses, to the director:

(1) not later than ten (10) days after the date on which the rule is file stamped by the secretary of state under section 35 of this chapter; and

(2) before July 15 of each year during which the rule remains in effect.

The coordinator and the director shall keep confidential any information concerning a small business to the extent that the information is exempt from public disclosure under IC 5-14-3-4.

(j) Not later than November 1 of each year, the director shall:

(1) compile the records received from all of the agency's coordinators under subsection (i);

(2) prepare a report that sets forth:

(A) the number of comments, complaints, and questions received by the agency from small businesses during the most recent state fiscal year, categorized by the subject matter of the rules involved;

(B) the number of complaints or questions reported under clause (A) that were resolved to the satisfaction of the agency and the small businesses involved;

(C) the total number of staff serving as coordinators under this



section during the most recent state fiscal year;

(D) the agency's costs in complying with this section during the most recent state fiscal year; and

(E) the projected budget required by the agency to comply with this section during the current state fiscal year; and

(3) deliver the report to the legislative council in an electronic format under IC 5-14-6 and to the Indiana economic development corporation established by IC 5-28-3.

SECTION 11. IC 4-22-2.1-5, AS ADDED BY P.L.188-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) If an agency intends to adopt a rule under IC 4-22-2 that will impose requirements or costs on small businesses, the agency shall prepare a statement that describes the annual economic impact of a rule on all small businesses after the rule is fully implemented as described in subsection (b). The statement required by this section must include the following:

(1) An estimate of the number of small businesses, classified by industry sector, that will be subject to the proposed rule.

(2) An estimate of the average annual reporting, record keeping, and other administrative costs that small businesses will incur to comply with the proposed rule.

(3) A estimate of the total annual economic impact that compliance with the proposed rule will have on all small businesses subject to the rule. The agency is not required to submit the proposed rule to the legislative services agency for a fiscal analysis under IC 4-22-2-28 unless the estimated economic impact of the rule is greater than five hundred thousand dollars (\$500,000) on all regulated entities, as set forth in IC 4-22-2-28.

(4) A statement justifying any requirement or cost that is:

(A) imposed on small businesses by the rule; and

(B) not expressly required by:

(i) the statute authorizing the agency to adopt the rule; or

(ii) any other state or federal law.

The statement required by this subdivision must include a reference to any data, studies, or analyses relied upon by the agency in determining that the imposition of the requirement or cost is necessary.

(5) A regulatory flexibility analysis that considers any less intrusive or less costly alternative methods of achieving the purpose of the proposed rule. The analysis under this subdivision must consider the following methods of minimizing the economic impact of the proposed rule on small businesses:

(A) The establishment of less stringent compliance or reporting requirements for small businesses.

(B) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses.



(C) The consolidation or simplification of compliance or reporting requirements for small businesses.

(D) The establishment of performance standards for small businesses instead of design or operational standards imposed on other regulated entities by the rule.

(E) The exemption of small businesses from part or all of the requirements or costs imposed by the rule.

If the agency has made a preliminary determination not to implement one (1) or more of the alternative methods considered, the agency shall include a statement explaining the agency's reasons for the determination, including a reference to any data, studies, or analyses relied upon by the agency in making the determination.

(b) For purposes of subsection (a), a proposed rule will be fully implemented with respect to small businesses after:

(1) the conclusion of any phase-in period during which:

(A) the rule is gradually made to apply to small businesses or certain types of small businesses; or

(B) the costs of the rule are gradually implemented; and

(2) the rule applies to all small businesses that will be affected by the rule.

In determining the total annual economic impact of the rule under subsection (a)(3), the agency shall consider the annual economic impact on all small businesses beginning with the first twelve (12) month period after the rule is fully implemented. The agency may use actual or forecasted data and may consider the actual and anticipated effects of inflation and deflation. The agency shall describe any assumptions made and any data used in determining the total annual economic impact of a rule under subsection (a)(3).

(c) The agency shall:

(1) publish the statement required under subsection (a) in the Indiana Register as required by IC 4-22-2-24; and

(2) deliver a copy of the statement, along with the proposed rule, to the Indiana economic development corporation not later than the date of publication under subdivision (1).

SECTION 12. IC 4-22-7-5, AS AMENDED BY P.L.215-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The secretary of state shall retain the original copy of each rule that has been accepted for filing by the secretary of state (including documents filed with the secretary of state under IC 4-22-2-21) and one (1) copy of any supporting documentation submitted under ~~section 31 of this chapter.~~ **IC 4-22-2-31.** The secretary of state has official custody of an agency's adopted rules.

(b) Within one (1) business day after the date that the secretary of state accepts a rule for filing, the secretary of state shall distribute one (1) copy of the rule to the publisher in the form specified by the



1 publisher. The secretary of state shall also return to the agency one (1)
 2 copy of the rule and one (1) copy of any supporting documentation
 3 submitted under ~~section 31 of this chapter~~. **IC 4-22-2-31**. However, the
 4 secretary of state may distribute the rule without including the full text
 5 of any matter incorporated into the rule.

6 (c) When the copies are distributed under subsection (b), the
 7 secretary of state shall include a notice briefly describing the
 8 incorporated matters.

9 SECTION 13. IC 5-2-10.1-12, AS ADDED BY P.L.106-2005,
 10 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 UPON PASSAGE]: Sec. 12. (a) Each school within a school
 12 corporation shall establish a safe school committee. The committee
 13 may be a subcommittee of the committee that develops the strategic
 14 and continuous school improvement and achievement plan under
 15 ~~IC 20-10-2-3~~. **IC 20-31-5**.

16 (b) The department of education and the school corporation's school
 17 safety specialist shall provide materials to assist a safe school
 18 committee in developing a plan for the school that addresses the
 19 following issues:

20 (1) Unsafe conditions, crime prevention, school violence,
 21 bullying, and other issues that prevent the maintenance of a safe
 22 school.

23 (2) Professional development needs for faculty and staff to
 24 implement methods that decrease problems identified under
 25 subdivision (1).

26 (3) Methods to encourage:

27 (A) involvement by the community and students;

28 (B) development of relationships between students and school
 29 faculty and staff; and

30 (C) use of problem solving teams.

31 SECTION 14. IC 5-10-1.1-7, AS AMENDED BY P.L.220-2005,
 32 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 UPON PASSAGE]: Sec. 7. (a) Any political subdivision (as defined ~~by~~
 34 **in IC 36-1-2-13**) may establish for its employees a deferred
 35 compensation plan. The plan shall be selected by the governing body
 36 of the political subdivision, which in the case of a unit subject to
 37 IC 36-1-3 shall be done by ordinance. Participation shall be by written
 38 agreement between each employee and the governing body of the
 39 political subdivision, which agreement provides for the deferral of
 40 compensation and subsequent administration of such funds.

41 (b) For funding such agreements, the governing body of the political
 42 subdivision may:

43 (1) designate one (1) of its agencies or departments to establish
 44 and administer such plans and choose such funding as deemed
 45 appropriate by the agency or department, which may include more
 46 than one (1) funding product;



(2) extend the state employees' deferred compensation plan to employees of the political subdivision, subject to the terms and conditions of the state employees' deferred compensation plan as it is established from time to time; or

(3) offer ~~both of the two (2) or more plans described in under both~~ subdivisions (1) and (2).

(c) This section does not limit the power or authority of any political subdivision to establish and administer other plans deemed appropriate by the governing bodies of such subdivisions, including plans established under section 1(2) of this chapter.

SECTION 15. IC 5-10-10-4, AS AMENDED BY P.L.10-2005, SECTION 1, AS AMENDED BY P.L.170-2005, SECTION 16, AND AS AMENDED BY P.L.227-2005, SECTION 3, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. As used in this chapter, "public safety officer" means any of the following:

(1) A state police officer.

(2) A county sheriff.

(3) A county police officer.

(4) A correctional officer.

(5) An excise police officer.

(6) A county police reserve officer.

(7) A city police reserve officer.

(8) A conservation enforcement officer.

(9) A town marshal.

(10) A deputy town marshal.

(11) A probation officer.

(12) A state university, college, or junior college police officer appointed under IC 20-12-3.5.

(13) A police officer whose employer purchases coverage under section 4.5 of this chapter.

~~(14)~~ (14) An emergency medical services provider (as defined in IC 16-41-10-1) who is:

(A) employed by a political subdivision (as defined in IC 36-1-2-13); and

(B) not eligible for a special death benefit under IC 36-8-6-20, IC 36-8-7-26, IC 36-8-7.5-22, or IC 36-8-8-20.

~~(15)~~ (15) A firefighter who is employed by the fire department of a state university.

(16) A firefighter whose employer purchases coverage under section 4.5 of this chapter.

~~(17)~~ (17) A member of a consolidated law enforcement department established under IC 36-3-1-5.1.

~~(18)~~ (18) A gaming agent of the Indiana gaming commission.

SECTION 16. IC 5-10-10-5, AS AMENDED BY P.L.10-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



UPON PASSAGE]: Sec. 5. (a) The special death benefit fund is established for the purpose of paying lump sum death benefits under section 6 of this chapter. The fund consists of the fees remitted to the board under **IC 35-33-8-3.2** and section 4.5 of this chapter. The fund shall be administered by the board. The expenses of administering the fund shall be paid from money in the fund.

(b) The board shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as the board's other funds may be invested. Interest that accrues from these investments shall be deposited in the fund.

(c) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

SECTION 17. IC 5-11-5.5-7, AS ADDED BY P.L.222-2005, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) This section does not apply to an action brought by:

- (1) the attorney general;
- (2) the inspector general;
- (3) a prosecuting attorney; or
- (4) a state employee in the employee's official capacity.

(b) A court does not have jurisdiction over an action brought under section 4 of this chapter that is based on information discovered by a present or former state employee in the course of the employee's employment, unless:

- (1) the employee, acting in good faith, has exhausted existing internal procedures for reporting and recovering the amount owed the state; and
- (2) the state has failed to act on the information reported by the employee within a reasonable amount of time.

(c) A court does not have jurisdiction over an action brought under section 4 of this chapter if the action is brought by an incarcerated offender, including an offender incarcerated in another jurisdiction.

(d) A court does not have jurisdiction over an action brought under section 4 of this chapter against the state, a state officer, a judge (as defined in IC 33-23-11-7), a justice, a member of the general assembly, a state employee, or an employee of a political subdivision, if the action is based ~~in~~ on information known to the state at the time the action was brought.

(e) A court does not have jurisdiction over an action brought under section 4 of this chapter if the action is based upon an act that is the subject of a civil suit, a criminal prosecution, or an administrative proceeding in which the state is a party.

(f) A court does not have jurisdiction over an action brought under section 4 of this chapter if the action is based upon information contained in:

- (1) a transcript of a criminal, a civil, or an administrative hearing;



- (2) a legislative, an administrative, or another public report, hearing, audit, or investigation; or
- (3) a news media report;

unless the person bringing the action has direct and independent knowledge of the information that is the basis of the action, and the person bringing the action has voluntarily provided this information to the state.

SECTION 18. IC 5-11-5.5-15, AS ADDED BY P.L.222-2005, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) The official who issued the civil investigative demand is the custodian of the documentary material, answers to interrogatories, and transcripts of oral testimony received under this chapter.

(b) An investigator who receives documentary material, answers to interrogatories, or transcripts of oral testimony under this section shall transmit them to the official who issued the civil investigative demand. The official shall take physical possession of the material, answers, or transcripts and is responsible for the use made of them and for the return of documentary material.

(c) The official who issued the civil investigative demand may make copies of documentary material, answers to interrogatories, or transcripts of oral testimony as required for official use by the attorney general, the inspector general, or the state police. The material, answers, or transcripts may be used in connection with the taking of oral testimony under this chapter.

(d) Except as provided in subsection (e), documentary material, answers to interrogatories, or transcripts of oral testimony, while in the possession of the official who issued the civil investigative demand, may not be made available for examination to any person other than:

- (1) the attorney general or designated personnel of the attorney general's office;
- (2) the inspector general or designated personnel of the inspector general's office; or
- (3) an officer of the state police who has been authorized by the official who issued the civil investigative demand.

(e) The restricted availability of documentary material, answers to interrogatories, or transcripts of oral testimony does not apply:

- (1) if the person who provided:
 - (A) the documentary material, answers to interrogatories, or oral testimony; or
 - (B) a product of discovery that includes documentary material, answers to interrogatories, or oral testimony;
 consents to disclosure;
- (2) to the general assembly or a committee or subcommittee of the general assembly; or
- (3) to a state agency that requires the information to carry out its



1 statutory responsibility.

2 Documentary material, answers to interrogatories, or transcripts of oral
3 testimony requested by a state agency may be disclosed only under a
4 court order finding that the state agency has a substantial need for the
5 use of the information in carrying out its statutory responsibility.

6 (f) While in the possession of the official who issued the civil
7 investigative demand, documentary material, answers to
8 interrogatories, or transcripts of oral testimony shall be made available
9 to the person, or to the representative of the person who produced the
10 material, answered the interrogatories, or gave oral testimony. The
11 official who issued the civil investigative demand may impose
12 reasonable conditions upon the examination ~~of or~~ use of the
13 documentary material, answers to interrogatories, or transcripts of oral
14 testimony.

15 (g) The official who issued the civil investigative demand and any
16 attorney employed in the same office as the official who issued the civil
17 investigative demand may use the documentary material, answers to
18 interrogatories, or transcripts of oral testimony in connection with a
19 proceeding before a grand jury, a court, or an agency. Upon the
20 completion of the proceeding, the attorney shall return to the official
21 who issued the civil investigative demand any documentary material,
22 answers to interrogatories, or transcripts of oral testimony that are not
23 under the control of the grand jury, court, or agency.

24 (h) Upon written request of a person who produced documentary
25 material in response to a civil investigative demand, the official who
26 issued the civil investigative demand shall return any documentary
27 material in the official's possession to the person who produced
28 documentary material, if:

29 (1) a proceeding before a grand jury, a court, or an agency
30 involving the documentary material has been completed; or

31 (2) a proceeding before a grand jury, a court, or an agency
32 involving the documentary material has not been commenced
33 within a reasonable time after the completion of the investigation.

34 The official who issued the civil investigative demand is not required
35 to return documentary material that is in the custody of a grand jury, a
36 court, or an agency.

37 SECTION 19. IC 6-1.1-4-28.5, AS AMENDED BY P.L.88-2005,
38 SECTION 7, AND AS AMENDED BY P.L.228-2005, SECTION 10,
39 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
40 [EFFECTIVE UPON PASSAGE]: Sec. 28.5. (a) Money assigned to a
41 property reassessment fund under section 27.5 of this chapter may be
42 used only to pay the costs of:

43 (1) the general reassessment of real property, including the
44 computerization of assessment records;

45 (2) payments to county assessors, members of property tax
46 assessment boards of appeals, or assessing officials under



1 IC 6-1.1-35.2;

2 (3) the development or updating of detailed soil survey data by
3 the United States Department of Agriculture or its successor
4 agency;

5 (4) the updating of plat books; ~~and~~

6 (5) payments for the salary of permanent staff or for the
7 contractual services of temporary staff who are necessary to assist
8 county assessors, members of a county property tax assessment
9 board of appeals, and assessing officials;

10 (6) making annual adjustments under section 4.5 of this chapter;
11 and

12 (7) the verification under 50 IAC 21-3-2 of sales disclosure forms
13 forwarded to the county assessor under IC 6-1.1-5.5-3.

14 (b) All counties shall use modern, detailed soil maps in the general
15 reassessment of agricultural land.

16 (c) The county treasurer of each county shall, in accordance with
17 IC 5-13-9, invest any money accumulated in the property reassessment
18 fund. ~~until the money is needed to pay general reassessment expenses.~~
19 Any interest received from investment of the money shall be paid into
20 the property reassessment fund.

21 ~~(d) An appropriation under this section must be approved by the~~
22 ~~fiscal body of the county after the review and recommendation of the~~
23 ~~county assessor. However, in a county with an elected township~~
24 ~~assessor in every township, the county assessor does not review an~~
25 ~~appropriation under this section; and only the fiscal body must~~
26 ~~approve an appropriation under this section.~~

27 SECTION 20. IC 12-12-8-6, AS ADDED BY P.L.217-2005,
28 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 UPON PASSAGE]: Sec. 6. (a) There is established a statewide
30 independent living council. The council is not a part of a state agency.

31 (b) The council consists of at least twenty (20) members appointed
32 by the governor, including the following:

33 (1) Each director of a center for independent living located in
34 Indiana.

35 (2) Nonvoting members from state agencies that provide services
36 for individuals with disabilities.

37 (3) Other members, who may include the following:

38 (A) Representatives of centers for independent living.

39 (B) Parents and guardians of individuals with disabilities.

40 (C) Advocates for individuals with disabilities.

41 (D) Representatives from private business.

42 (E) Representative of organizations that provide services for
43 individuals with disabilities.

44 (F) Other appropriate individuals.

45 (c) The members appointed under subsection (b) must:

46 (1) provide statewide representation;



- (2) represent a broad range of individuals with disabilities from diverse backgrounds;
- (3) be knowledgeable about centers for independent living and independent living services; and
- (4) include a majority of members who:
 - (A) are individuals with significant disabilities; and
 - (B) are not employed by a state agency or a center for independent living.

SECTION 21. IC 12-16-2.5-6.5, AS ADDED BY P.L.145-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.5. (a) Notwithstanding IC 12-16-4.5, IC 12-16-5.5, and IC 12-16-6.5, except for the functions provided for under IC 12-16-4.5-3, IC 12-16-4.5-4, IC 12-16-6.5-3, IC 12-16-6.5-4, **and** IC 12-16-6.5-7 and the payment of funds, the division may enter into a written agreement with a hospital licensed under IC 16-21 for the hospital's performance of one (1) or more of the functions of the division or a county office under IC 12-16-4.5, IC 12-16-5.5, and IC 12-16-6.5. Under an agreement between the division and a hospital:

- (1) if the hospital is authorized to determine:
 - (A) if a person meets the income and resource requirements established under IC 12-16-3.5;
 - (B) if the person's medical condition satisfies one (1) or more of the medical conditions identified in IC 12-16-3.5-1(a)(1) through IC 12-16-3.5-1(a)(3) or IC 12-16-3.5-2(a)(1) through IC 12-16-3.5-2(a)(3); or
 - (C) if the health care items or services received by the person were necessitated by one (1) or more of the medical conditions listed in IC 12-16-3.5-1(a)(1) through IC 12-16-3.5-1(a)(3) or IC 12-16-3.5-2(a)(1) through IC 12-16-3.5-2(a)(3), or were a direct consequence of one (1) or more of the medical conditions listed in IC 12-16-3.5-1(a)(1) through IC 12-16-3.5-1(a)(3);

the determinations must be limited to persons receiving care at the hospital;

- (2) the agreement must state whether the hospital is authorized to make determinations regarding physician services or transportation services provided to a person;
- (3) the agreement must state the extent to which the functions performed by the hospital include the provision of the notices required under IC 12-16-5.5 and IC 12-16-6.5;
- (4) the agreement may not limit the hearing and appeal process available to persons, physicians, transportation providers, or other hospitals under IC 12-16-6.5;
- (5) the agreement must state how determinations made by the hospital will be communicated to the division for purposes of the attributions and calculations under IC 12-15-15-9,



1 IC 12-15-15-9.5, IC 12-16-7.5, and IC 12-16-14; and

2 (6) the agreement must state how the accuracy of the hospital's
3 determinations will be reviewed.

4 (b) A hospital, its employees, and its agents are immune from civil
5 or criminal liability arising from their good faith implementation and
6 administration of the agreement between the division and the hospital
7 under this section.

8 SECTION 22. IC 12-16-7.5-2.5, AS AMENDED BY P.L.145-2005,
9 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 UPON PASSAGE]: Sec. 2.5. (a) Payable claims shall be segregated by
11 state fiscal year.

12 (b) For purposes of this chapter, IC 12-15-15-9, IC 12-15-15-9.5,
13 and IC 12-16-14, "payable claim" refers to the following:

14 (1) Subject to subdivision (2), ~~is~~ a claim for payment for
15 physician care, hospital care, or transportation services under this
16 chapter:

17 (A) that includes, on forms prescribed by the division, all the
18 information required for timely payment;

19 (B) that is for a period during which the person is determined
20 to be financially and medically eligible for the hospital care for
21 the indigent program; and

22 (C) for which the payment amounts for the care and services
23 are determined by the division.

24 This subdivision applies for the state fiscal year ending June 30,
25 2004.

26 (2) For state fiscal years ending after June 30, 2004, ~~is~~ a claim for
27 payment for physician care, hospital care, or transportation
28 services under this chapter:

29 (A) provided to a person under the hospital care for the
30 indigent program under this article during the person's
31 eligibility under the program;

32 (B) identified in a claim filed with the division; and

33 (C) determined to:

34 (i) have been necessitated by one (1) or more of the medical
35 conditions listed in IC 12-16-3.5-1(a)(1) through
36 IC 12-16-3.5-1(a)(3) or IC 12-16-3.5-2(a)(1) through
37 IC 12-16-3.5-2(a)(3); or

38 (ii) be a direct consequence of one (1) or more of the
39 medical conditions listed in IC 12-16-3.5-1(a)(1) through
40 IC 12-16-3.5-1(a)(3).

41 (c) For purposes of this chapter, IC 12-15-15-9, IC 12-15-15-9.5,
42 and IC 12-16-14, "amount" when used in regard to a claim or payable
43 claim means an amount calculated under STEP THREE of the
44 following formula:

45 STEP ONE: Identify the items and services identified in a
46 claim or payable claim.



STEP TWO: Using the applicable Medicaid fee for service reimbursement rates, calculate the reimbursement amounts for each of the items and services identified in STEP ONE.

STEP THREE: Calculate the sum of the amounts identified in STEP TWO.

(d) For purposes of this chapter, IC 12-15-15-9, IC 12-15-15-9.5, and IC 12-16-14, a physician, hospital, or transportation provider that submits a claim to the division is considered to have submitted the claim during the state fiscal year during which the amount of the claim was determined under IC 12-16-5.5-1.2(b) or, if successfully appealed by a physician, hospital, or transportation provider, the state fiscal year in which the appeal was decided.

(e) The division shall determine the amount of a claim under IC 12-16-5.5-1.2(b).

SECTION 23. IC 13-11-2-31.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 31.6. "Combined sewer system", for purposes of sections 31.3, 31.5, 43.5, ~~85.7~~, and 120.5 of this chapter and IC 13-18, means a system of combined sewers that:

(1) is designed, constructed, and used to receive and transport combined sewage to a publicly owned wastewater treatment plant; and

(2) may contain one (1) or more overflow points that discharge combined sewage entering the publicly owned wastewater treatment plant when the hydraulic capacity of the system or part of the system is exceeded as a result of a wet weather event.

SECTION 24. IC 13-25-4-8, AS AMENDED BY P.L.208-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) Except as provided in subsection (b), (c), or (d), a person that is liable under Section 107(a) of CERCLA (42 U.S.C. 9607(a)) for:

(1) the costs of removal or remedial action incurred by the commissioner consistent with the national contingency plan;

(2) the costs of any health assessment or health effects study carried out by or on behalf of the commissioner under Section 104(i) of CERCLA (42 U.S.C. 9604(i)); or

(3) damages for:

(A) injury to;

(B) destruction of; or

(C) loss of;

natural resources of Indiana;

is liable, in the same manner and to the same extent, to the state under this section.

(b) The exceptions provided by Sections 107(b), 107(q), and 107(r) of CERCLA (42 U.S.C. ~~9607(b)~~) **9607(b), 42 U.S.C. 9607(q), and 42 U.S.C. 9607(r)**) to liability otherwise imposed by Section 107(a) of



CERCLA (42 U.S.C. 9607(a)) are equally applicable to any liability otherwise imposed under subsection (a).

(c) Notwithstanding any liability imposed by the environmental management laws, a lender, a secured or unsecured creditor, or a fiduciary is not liable under the environmental management laws, in connection with the release or threatened release of a hazardous substance from a facility unless the lender, the fiduciary, or creditor has participated in the management of the hazardous substance at the facility.

(d) Notwithstanding any liability imposed by the environmental management laws, the liability of a fiduciary for a release or threatened release of a hazardous substance from a facility that is held by the fiduciary in its fiduciary capacity may be satisfied only from the assets held by the fiduciary in the same estate or trust as the facility that gives rise to the liability.

(e) Except as provided in subsection (g), a political subdivision (as defined in IC 36-1-2-13) or unit of federal or state government is not liable to the state under this section for costs or damages associated with the presence of a hazardous substance on, in, or at a property in which the political subdivision or unit of federal or state government acquired an interest in the property because of:

- (1) bankruptcy;
- (2) foreclosure;
- (3) tax delinquency, including an acquisition under IC 6-1.1-24 or IC 6-1.1-25;
- (4) abandonment;
- (5) the exercise of eminent domain, including any purchase of property once an offer to purchase has been tendered under IC 32-24-1-5;
- (6) receivership;
- (7) other circumstances in which the political subdivision or unit of federal or state government involuntarily acquired an interest in the property because of the political subdivision's or unit's function as sovereign;
- (8) transfer from another political subdivision or unit of federal or state government; or
- (9) any other means to conduct remedial actions on a brownfield.

(f) If a transfer of an interest in property as described in subsection (e) occurs, a person who owned, operated, or otherwise controlled the property immediately before the political subdivision or unit of federal or state government acquired the interest in the property remains liable under this section:

- (1) in the same manner; and
- (2) to the same extent;

as the person was liable immediately before the person's interest in the property was acquired by the political subdivision or unit of federal or



1 state government.

2 (g) Notwithstanding subsection (e), a political subdivision or unit of
3 federal or state government that causes or contributes to the release or
4 threatened release of a hazardous substance on, in, or at a property
5 remains subject to this section:

6 (1) in the same manner; and

7 (2) to the same extent;

8 as a nongovernmental entity under this section.

9 SECTION 25. IC 14-33-16.5-11, AS ADDED BY P.L.189-2005,
10 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 UPON PASSAGE]: Sec. 11. In an election held under this chapter, a
12 majority of all votes cast by the freeholders of the smaller district
13 ~~determine~~ **determines** the question of the dissolution of the smaller
14 district and the larger district's assumption of the smaller district's
15 operations, obligations, and assets.

16 SECTION 26. IC 16-22-8-34, AS AMENDED BY P.L.184-2005,
17 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 UPON PASSAGE]: Sec. 34. (a) The board or corporation may do all
19 acts necessary or reasonably incident to carrying out the purposes of
20 this chapter, including the following:

21 (1) As a municipal corporation, sue and be sued in any court with
22 jurisdiction.

23 (2) To serve as the exclusive local board of health and local
24 department of health within the county with the powers and duties
25 conferred by law upon local boards of health and local
26 departments of health.

27 (3) To adopt and enforce ordinances consistent with Indiana law
28 and administrative rules for the following purposes:

29 (A) To protect property owned or managed by the corporation.

30 (B) To determine, prevent, and abate public health nuisances.

31 (C) To establish quarantine regulations, impose restrictions on
32 persons having infectious or contagious diseases and contacts
33 of the persons, and regulate the disinfection of premises.

34 (D) To license, regulate, and establish minimum sanitary
35 standards for the operation of a business handling, producing,
36 processing, preparing, manufacturing, packing, storing,
37 selling, distributing, or transporting articles used for food,
38 drink, confectionery, or condiment in the interest of the public
39 health.

40 (E) To control:

41 (i) rodents, mosquitos, and other animals, including insects,
42 capable of transmitting microorganisms and disease to
43 humans and other animals; and

44 (ii) the animal's breeding places.

45 (F) To require persons to connect to available sewer systems
46 and to regulate the disposal of domestic or sanitary sewage by



- 1 private methods. However, the board and corporation ~~has~~ **have**
- 2 no jurisdiction over publicly owned or financed sewer systems
- 3 or sanitation and disposal plants.
- 4 (G) To control rabies.
- 5 (H) For the sanitary regulation of water supplies for domestic
- 6 use.
- 7 (I) To protect, promote, or improve public health. For public
- 8 health activities and to enforce public health laws, the state
- 9 health data center described in IC 16-19-10 shall provide
- 10 health data, medical information, and epidemiological
- 11 information to the corporation.
- 12 (J) To detect, report, prevent, and control disease affecting
- 13 public health.
- 14 (K) To investigate and diagnose health problems and health
- 15 hazards.
- 16 (L) To regulate the sanitary and structural conditions of
- 17 residential and nonresidential buildings and unsafe premises.
- 18 (M) To license and regulate the design, construction, and
- 19 operation of public pools, spas, and beaches.
- 20 (N) To regulate the storage, containment, handling, use, and
- 21 disposal of hazardous materials.
- 22 (O) To license and regulate tattoo parlors and body piercing
- 23 facilities.
- 24 (4) To manage the corporation's hospitals, medical facilities, and
- 25 mental health facilities.
- 26 (5) To furnish health and nursing services to elementary and
- 27 secondary schools within the county.
- 28 (6) To furnish medical care to the indigent within the county
- 29 unless medical care is furnished to the indigent by the division of
- 30 family and children.
- 31 (7) To determine the public health policies and programs to be
- 32 carried out and administered by the corporation.
- 33 (8) To adopt an annual budget ordinance and levy taxes.
- 34 (9) To incur indebtedness in the name of the corporation.
- 35 (10) To organize the personnel and functions of the corporation
- 36 into divisions and subdivisions to carry out the corporation's
- 37 powers and duties and to consolidate, divide, or abolish the
- 38 divisions and subdivisions.
- 39 (11) To acquire and dispose of property.
- 40 (12) To receive and make gifts.
- 41 (13) To receive and distribute federal, state, local, or private
- 42 grants.
- 43 (14) To erect buildings or structures or improvements to existing
- 44 buildings or structures.
- 45 (15) To determine matters of policy regarding internal
- 46 organization and operating procedures.



(16) To do the following:

(A) Adopt a schedule of reasonable charges for nonresidents of the county for medical and mental health services.

(B) Collect the charges from the patient or from the governmental unit where the patient resided at the time of the service.

(C) Require security for the payment of the charges.

(17) To adopt a schedule of and to collect reasonable charges for patients able to pay in full or in part.

(18) To enforce Indiana laws, administrative rules, and the code of the health and hospital corporation of the county.

(19) To purchase supplies, materials, and equipment for the corporation.

(20) To employ personnel and establish personnel policies to carry out the duties, functions, and powers of the corporation.

(21) To employ attorneys admitted to practice law in Indiana.

(22) To acquire, erect, equip, and operate the corporation's hospitals, medical facilities, and mental health facilities.

(23) To dispose of surplus property in accordance with a policy by the board.

(24) To determine the duties of officers and division directors.

(25) To fix the compensation of the officers and division directors.

(26) To carry out the purposes and object of the corporation.

(27) To obtain loans for hospital expenses in amounts and upon terms agreeable to the board. The board may secure the loans by pledging accounts receivable or other security in hospital funds.

(28) To establish fees for licenses, services, and records. The corporation may accept payment by credit card for fees.

(b) The board shall exercise the board's powers and duties in a manner consistent with Indiana law, administrative rules, and the code of the health and hospital corporation of the county.

SECTION 27. IC 16-44-2-18.5, AS ADDED BY P.L.214-2005, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18.5. (a) As used in this section, "special fuel" has the meaning set forth in IC 6-6-2.5-22, except that the term does not include kerosene.

(b) Except as provided in subsection (c), fees for the inspection of special fuel shall be at the rate of fifty cents (\$0.50) per barrel (fifty (50) gallons) on all special fuel sold or used in producing or generating power for propelling motor vehicles in Indiana less deductions provided in this section.

(c) A fee for the inspection of special fuel may not be charged with respect to special fuel that is exempt from the special fuel tax under IC 6-6-2.5-30.

(d) The fee imposed by this chapter on special fuel sold or used in



1 producing or generating power for propelling motor vehicles in Indiana
 2 shall be collected and remitted to the state at the same time, by the
 3 same person, and in accordance with the same requirements for
 4 collection and remittance of the special fuels tax under IC 6-6-2.5-35.

5 (e) Fees collected under this section shall be deposited by the
 6 department in the underground petroleum storage tank excess liability
 7 trust fund established by IC 13-23-7-1.

8 (f) A person who receives a refund of special fuel tax under
 9 IC 6-6-2.5 is also entitled to a refund of fees paid under this section if:

10 (1) the fees were paid with respect to special fuel that was used
 11 for an exempt purpose described in IC 6-6-2.5-30; and

12 (2) the person submits to the ~~state~~ department of ~~state~~ revenue a
 13 claim for a refund, in the form prescribed by the ~~state~~ of
 14 department of ~~state~~ revenue, that includes the following
 15 information:

16 (A) Any evidence requested by the ~~state~~ department of ~~state~~
 17 revenue concerning the person's:

18 (i) payment of the fee imposed by this section; and

19 (ii) receipt of a refund of special fuel taxes from the ~~state~~
 20 department of ~~state~~ revenue under IC 6-6-2.5.

21 (B) Any other information reasonably requested by the ~~state~~
 22 department of ~~state~~ revenue.

23 The ~~state~~ department of ~~state~~ revenue may make any investigation it
 24 considers necessary before refunding fees to a person.

25 SECTION 28. IC 20-12-0.5-13, AS ADDED BY P.L.246-2005,
 26 SECTION 122, IS AMENDED TO READ AS FOLLOWS
 27 [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) The commission shall
 28 exercise its powers and duties under section 8 of this chapter in a
 29 manner to facilitate the use of:

30 (1) the core transfer library established under section 8(18) of this
 31 chapter at state educational institutions; and

32 (2) at least twelve (12) degree programs established under section
 33 8(19) of this chapter at Ivy Tech **State Community College of**
 34 **Indiana** and Vincennes University.

35 (b) The core transfer library developed under section 8(18) of this
 36 chapter shall be developed in accordance with the following principles:

37 (1) Each course in the core transfer library must transfer in and
 38 apply toward meeting degree requirements in the same way as the
 39 receiving state educational institution's equivalent course.

40 (2) Courses in the core transfer library must draw primarily from
 41 the liberal arts but must include introductory or foundational
 42 courses in technical, professional, and occupational fields.

43 (3) At least seventy (70) courses must be identified for inclusion
 44 in the core transfer library. The identified courses must emphasize
 45 the courses most frequently taken by undergraduates.

46 (4) With respect to core transfer library courses being transferred



from a state educational institution to Indiana University or Purdue University, Indiana University and Purdue University must identify transfer equivalents so that a course accepted by one (1) regional campus will be accepted by all other regional campuses that offer the same transfer equivalent course.

(5) Within the Indiana University system and Purdue University system, equivalent courses, including courses with the same course number and title, must count in the same way at all campuses within the system where the course is offered.

(c) The commission shall adopt rules under IC 4-22-2 and prescribe procedures to facilitate the use of the core transfer library established under section 8(18) of this chapter, including designating courses in the course transfer library in the materials that colleges and universities use to communicate widely with students, such as online catalogs and course schedules, and at least twelve (12) degree programs established under section 8(19) of this chapter.

SECTION 29. IC 20-12-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) An employee of a state educational institution (as defined in IC 20-12-0.5-1) may report in writing the existence of:

- (1) a violation of a federal law or regulation;
- (2) a violation of a state law or rule;
- (3) a violation of an ordinance of a political subdivision (as defined in IC 36-1-2-13); or
- (4) the misuse of public resources;

first to a supervisor or appointing authority, unless the supervisor or appointing authority is the person whom the employee believes is committing the violation or misuse of public resources. In that case, the employee may report the violation or misuse of public resources in writing to either the supervisor or the appointing authority or to any official or agency entitled to receive a report from the state ethics commission under ~~IC 4-2-6-4(b)(2)(G)~~ **IC 4-2-6-4(b)(2)(J)** or ~~IC 4-2-6-4(b)(2)(H)~~ **IC 4-2-6-4(b)(2)(K)**. If a good faith effort is not made to correct the problem within a reasonable time, the employee may submit a written report of the incident to any person, agency, or organization.

(b) For having made a report under subsection (a), an employee may not:

- (1) be dismissed from employment;
- (2) have salary increases or employment related benefits withheld;
- (3) be transferred or reassigned;
- (4) be denied a promotion that the employee otherwise would have received; or
- (5) be demoted.

(c) Notwithstanding subsections (a) and (b), an employee must



1 make a reasonable attempt to ascertain the correctness of any
 2 information to be furnished and may be subject to disciplinary actions
 3 for knowingly furnishing false information, including suspension or
 4 dismissal, as determined by the employee's appointing authority or the
 5 appointing authority's designee. However, any employee disciplined
 6 under this subsection is entitled to process an appeal of the disciplinary
 7 action under the procedure set forth in any personnel policy or
 8 collective bargaining agreement adopted by the state educational
 9 institution.

10 (d) An employer who violates this section commits a Class A
 11 infraction.

12 SECTION 30. IC 20-12-17.5-2, AS ADDED BY P.L.105-2005,
 13 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 UPON PASSAGE]: Sec. 2. (a) This section does not apply to:

- 15 (1) Ivy Tech ~~State~~ **Community College of Indiana**; and
- 16 (2) Vincennes University with respect to two-year degree
 17 programs.

18 (b) Except as provided in sections 5 and 6 of this chapter, each state
 19 educational institution must require a student who is an Indiana
 20 resident to have completed either:

- 21 (1) the Core 40 curriculum established under IC 20-30-10; or
- 22 (2) a curriculum that is equivalent to the Core 40 curriculum;

23 as a general requirement for regular admission as a freshman to the
 24 state educational institution.

25 (c) Each state educational institution must establish the institution's:

- 26 (1) requirements for regular admission; and
- 27 (2) exceptions to the institution's requirements for regular
 28 admission.

29 SECTION 31. IC 20-12-17.5-3, AS ADDED BY P.L.105-2005,
 30 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 UPON PASSAGE]: Sec. 3. (a) This section applies to:

- 32 (1) Ivy Tech ~~State~~ **Community College of Indiana**; and
- 33 (2) Vincennes University with respect to two-year degree
 34 programs.

35 (b) A student who enters a state educational institution to which this
 36 section applies to obtain a two-year degree is not required to have
 37 completed either:

- 38 (1) the Core 40 curriculum established under IC 20-30-10; or
- 39 (2) a curriculum that is equivalent to the Core 40 curriculum;

40 to be admitted to the state educational institution.

41 SECTION 32. IC 20-23-6-5, AS ADDED BY P.L.1-2005,
 42 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 43 UPON PASSAGE]: Sec. 5. (a) If a petition is filed in one (1) or more

44 of the school corporations protesting consolidation as provided in this
 45 chapter by the legal voters of any school corporation the governing
 46 body of which proposes to consolidate, the governing body in each



1 school corporation in which a protest petition is filed shall certify the
 2 public question to each county election board of the county in which
 3 the school corporation is located. The county election board shall call
 4 an election of the voters of the school corporation to determine if a
 5 majority of the legal voters of the corporation is in favor of
 6 consolidating the school corporations.

7 (b) If a protest is filed in more than one (1) school corporation, the
 8 elections shall be held on the same day. Each county election board
 9 shall give notice by publication once each week for two (2) consecutive
 10 weeks in a newspaper of general circulation in the school corporation.
 11 If a newspaper is not published in the:

- 12 (1) township;
- 13 (2) town; or
- 14 (3) city;

15 the notice shall be published in the nearest newspaper published in the
 16 county or counties, that on a day and at an hour to be named in the
 17 notice, the polls will be open at the usual voting places in the various
 18 precincts in the corporation for taking the vote of the legal voters upon
 19 whether the school corporation shall be consolidated with the other
 20 school corporations joining in the resolution.

21 (c) The public question shall be placed on the ballot in the form
 22 provided by IC 3-10-9-4 and must state: "Shall (insert name of school
 23 corporation) be consolidated with (insert names of other school
 24 corporations)?".

25 (d) Notice shall be given not later than thirty (30) days after the
 26 petition is filed. The election shall be held not less than ten (10) days
 27 or more than twenty (20) days after the last publication of the notice.

28 (e) The governing body of each school corporation in which an
 29 election is held is bound by the majority vote of those voting. However,
 30 if the election falls within a period of not more than six (6) months
 31 before a primary or general election, the election shall be held
 32 concurrently with the primary or general election.

33 (f) If a majority of those voting in any one (1) school corporation
 34 votes against the plan of consolidation, the plan fails. However, the
 35 failure does not prevent any or all the school corporations from taking
 36 further initial action for the consolidation of school corporations under
 37 this chapter.

38 (g) Whenever ~~(1)~~ twenty percent (20%) of the legal voters residing
 39 in any school corporation, ~~join~~ **jointly** with twenty percent (20%) of the
 40 legal voters in each of one (1) or more other school corporations:

- 41 ~~(2)~~ **(1)** prepare a resolution; and
- 42 ~~(3)~~ **(2)** petition the trustees of their respective school corporations
 43 to consolidate the school corporations, as set out in the resolution;
 44 ~~the each~~ governing body petitioned shall call the school election
 45 provided for in this chapter in ~~each of the~~ **its** school corporations.

46 (h) Notice of the election shall be published within thirty (30) days



after the filing of the resolution with the governing body of the school corporation where it is last filed. However, if any of the petitioned governing bodies agrees to the consolidation as set out in the resolution, an election in that school corporation may not be required under the resolution.

(i) Notice as set out in this section shall be given, and a protest requesting an election may be filed in conformity with section 3 of this chapter.

SECTION 33. IC 20-23-6-17, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. (a) If the territory of a third class city is in a part of the territory of a consolidated school corporation, the third class city may lease to the consolidated school corporation a building and the property the building is on that is owned by the city for school purposes for a period of at least five (5) consecutive years.

(b) The common council of the city shall authorize a lease under subsection (a) and the authorization may be made:

- (1) without appraisalment;
- (2) without compensation; or
- (3) upon terms agreed upon.

(c) The possession and use of a specified part of property that a city leases under this section may be reserved by the city for city use. A lease made under this section shall be in the form of a deed or other written instrument that may be recorded. The grant must state that if the property is no longer needed for school purposes, the property reverts back to the city. A consolidated school corporation acting through its board of school trustees may accept a lease:

- (1) without appraisalment;
- (2) **without** compensation; or
- (3) upon agreed upon terms;

by its board of school trustees.

(d) This section, being necessary and intended to remedy deficiencies in laws existing on June 30, 1955, relating to powers of certain municipal corporations and of certain school corporations, does not repeal the provisions of those laws governing corporations but supplements and clarifies those laws, and to that end shall be liberally construed.

SECTION 34. IC 20-23-12-5, AS ADDED BY P.L.1-2005, SECTION 7, AND AS AMENDED BY P.L.231-2005, SECTION 24, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The six (6) members who are elected for a position on the governing body described under section 3(b) of this chapter are determined as follows:

- (1) Each prospective candidate must file a nomination petition with the *clerk of the circuit court at least board of elections and registration not earlier than one hundred four (104) days and not*



1 *later than noon* seventy-four (74) days before the election at
 2 which the members are to be elected that includes the following
 3 information:

- 4 (A) The name of the prospective candidate.
- 5 (B) The district in which the prospective candidate resides.
- 6 (C) The signatures of at least one hundred (100) registered
- 7 voters residing in the school corporation.
- 8 (D) The fact that the prospective candidate is running for a
- 9 district position.
- 10 (E) A certification that the prospective candidate meets the
- 11 qualifications for candidacy imposed by this chapter.

12 (2) *Only eligible voters residing in the district may vote for a*
 13 *candidate.*

14 (3) *The candidate within each district who receives the greatest*
 15 *number of votes in the district is elected.*

16 (b) *The at-large member elected under section 3(c) of this chapter*
 17 *is determined as follows:*

18 (1) *Each prospective candidate must file a nomination petition*
 19 *with the clerk of the circuit court at least seventy-four (74) days*
 20 *before the election at which the at-large member is to be elected.*
 21 *The petition must include the following information:*

- 22 (A) *The name of the prospective candidate.*
- 23 (B) *The signatures of at least one hundred (100) registered*
- 24 *voters residing within the school corporation.*
- 25 (C) *The fact that the prospective candidate is running for the*
- 26 *at-large position on the governing body.*
- 27 (D) *A certification that the prospective candidate meets the*
- 28 *qualifications for candidacy imposed by this chapter.*

29 (2) *Only eligible voters residing in the school corporation may*
 30 *vote for a candidate.*

31 (3) *The candidate who:*

- 32 (A) *runs for the at-large position on the governing body; and*
- 33 (B) *receives the greatest number of votes in the school*
- 34 *corporation;*

35 *is elected to the at-large position.*

36 SECTION 35. IC 20-23-14-6, AS ADDED BY P.L.1-2005,
 37 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 UPON PASSAGE]: Sec. 6. (a) With regard to ~~the a district positions~~
 39 **position** referred to in section 3(b) of this chapter, the candidate who
 40 receives the greatest number of votes of all candidates ~~against whom~~
 41 **the candidate runs for that position** is elected.

42 (b) With regard to the at-large positions referred to in section 3(c)
 43 of this chapter, the two (2) at-large candidates who receive the greatest
 44 number of votes of all at-large candidates are elected.

45 SECTION 36. IC 20-23-15-8, AS ADDED BY P.L.1-2005,
 46 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



UPON PASSAGE]: Sec. 8. If a candidate runs for one (1) of the district positions on the governing body, as provided under section 6(b) of this chapter, the following apply:

(1) An individual who runs for one (1) of the district positions on the governing body must reside within that district.

(2) Upon filing an intention to run under this chapter, the candidate must specify that the candidate is running for a district position.

(3) Only eligible voters residing in the candidate's district may vote for the candidate.

(4) The candidate who receives the greatest number of votes of all candidates ~~against whom the candidate runs for the position~~ wins.

SECTION 37. IC 20-24-7-11, AS ADDED BY P.L.169-2005, SECTION 15, AND AS ADDED BY P.L.246-2005, SECTION 129, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) If the United States Department of Education approves a new competition for states to receive matching funds for charter school facilities, the department shall pursue this federal funding.

(b) The department shall use the common school fund interest balance to provide state matching funds for the federal funding described in subsection (a) for the benefit of charter schools.

~~(b)~~ *(c) There is appropriated to the department of education ten million dollars (\$10,000,000) from the common school fund interest balance in the state general fund to provide state matching funds for the federal funding described in subsection (a) for the benefit of charter schools, beginning July 1, 2005, and ending June 30, 2007.*

~~(c)~~ *(d) The department shall develop guidelines and the state board shall adopt rules under IC 4-22-2 necessary to implement this section.*

SECTION 38. IC 20-25-3-4, AS ADDED BY P.L.119-2005, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The board consists of seven (7) members. A member:

(1) must be elected on a nonpartisan basis in primary elections held in the county as specified in this section; and

(2) serves a four (4) year term.

(b) Five (5) members shall be elected from the school board districts in which the members reside and two (2) members must be elected at large. Not more than two (2) of the members who serve on the board may reside in the same school board district.

(c) If a candidate runs for one (1) of the district positions on the board, only eligible voters residing in the candidate's district may vote for that candidate. If a person is a candidate for one (1) of the at-large positions, eligible voters from all the districts may vote for that candidate.



(d) If a candidate files to run for a position on the board, the candidate must specify whether the candidate is running for a district or an at-large position.

(e) A candidate who runs for a district or an at-large position wins if the candidate receives the greatest number of votes of all the candidates ~~against whom the candidate runs for the position.~~

(f) Districts shall be established within the school city by the state board. The districts must be drawn on the basis of precinct lines, and as nearly as practicable, of equal population with the population of the largest district not to exceed the population of the smallest district by more than five percent (5%). District lines must not cross precinct lines. The state board shall establish:

(1) balloting procedures for the election under IC 3; and

(2) other procedures required to implement this section.

(g) A member of the board serves under section 3 of this chapter.

(h) In accordance with subsection (k), a vacancy in the board shall be filled temporarily by the board as soon as practicable after the vacancy occurs. The member chosen by the board to fill a vacancy holds office until the member's successor is elected and qualified. The successor shall be elected at the next regular school board election occurring after the date on which the vacancy occurs. The successor fills the vacancy for the remainder of the term.

(i) An individual elected to serve on the board begins the individual's term on July 1 of the year of the individual's election.

(j) Notwithstanding any law to the contrary, each voter must cast a vote for a school board candidate or school board candidates by voting system or paper ballot. However, the same method used to cast votes for all other offices for which candidates have qualified to be on the election ballot must be used for the board offices.

(k) If a vacancy in the board exists because of the death of a member, the remaining members of the board shall meet and select an individual to fill the vacancy in accordance with subsection (h) after the secretary of the board receives notice of the death under IC 5-8-6.

SECTION 39. IC 20-26-11-8, AS AMENDED BY P.L.89-2005, SECTION 4, AND AS AMENDED BY P.L.231-2005, SECTION 33, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) A student who is placed in a state licensed private or public health care facility, child care facility, or foster family home:

(1) by or with the consent of the division of family and children;

(2) by a court order; or

(3) by a child placing agency licensed by the division of family and children;

may attend school in the school corporation in which the home or facility is located. If the school corporation in which the home or facility is located is not the school corporation in which the student has



1 legal settlement, the school corporation in which the student has legal
2 settlement shall pay the transfer tuition of the student.

3 (b) A student who is placed in a state licensed private or public
4 health care or child care facility by a parent may attend school in the
5 school corporation in which the facility is located if:

6 (1) the placement is necessary for the student's physical or
7 emotional health and well-being and, if the placement is in a
8 health care facility, is recommended by a physician; and

9 (2) the placement is projected to be for not less than fourteen (14)
10 consecutive calendar days or a total of twenty (20) calendar days.

11 The school corporation in which the student has legal settlement shall
12 pay the transfer tuition of the student. The parent of the student shall
13 notify the school corporation in which the facility is located and the
14 school corporation of the student's legal settlement, if identifiable, of
15 the placement. Not later than thirty (30) days after this notice, the
16 school corporation of legal settlement shall either pay the transfer
17 tuition of the transferred student or appeal the payment by notice to the
18 department. The acceptance or notice of appeal by the school
19 corporation must be given by certified mail to the parent or guardian of
20 the student and any affected school corporation. In the case of a student
21 who is not identified as disabled under IC 20-35, the state board shall
22 make a determination on transfer tuition according to the procedures
23 in section 15 of this chapter. In the case of a student who has been
24 identified as disabled under IC 20-35, the determination on transfer
25 tuition shall be made under this subsection and the procedures adopted
26 by the state board under ~~IC 20-35-2-1(c)(5)~~. IC 20-35-2-1(b)(5).

27 (c) A student who is placed in:

28 (1) an institution operated by the division of disability, aging, and
29 rehabilitative services or the division of mental health and
30 addiction; or

31 (2) an institution, a public or private facility, a home, a group
32 home, or an alternative family setting by the division of disability,
33 aging, and rehabilitative services or the division of mental health
34 and addiction;

35 may attend school in the school corporation in which the institution is
36 located. The state shall pay the transfer tuition of the student, unless
37 another entity is required to pay the transfer tuition as a result of a
38 placement described in subsection (a) or (b) or another state is
39 obligated to pay the transfer tuition.

40 (d) A student:

41 (1) who is placed in a facility, home, or institution described in
42 subsection (a), (b), or (c); and

43 (2) for whom there is no other entity or person required to pay
44 transfer tuition;

45 may attend school in the school corporation in which the facility,
46 home, or institution is located. The department shall conduct an



1 *investigation and determine whether any other entity or person is*
 2 *required to pay transfer tuition. If the department determines that no*
 3 *other entity or person is required to pay transfer tuition, the state shall*
 4 *pay the transfer tuition for the student out of the funds appropriated*
 5 *for tuition support.*

6 SECTION 40. IC 20-29-5-3, AS ADDED BY P.L.1-2005,
 7 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 UPON PASSAGE]: Sec. 3. (a) If an exclusive school employee
 9 organization is not determined under section 2 of this chapter, the
 10 determination of whether a school employee organization shall be the
 11 exclusive representative shall be determined under this section.

12 (b) A school employee organization may file a petition asserting
 13 that:

14 (1) twenty percent (20%) of the employees in an appropriate unit
 15 wish to be represented for collective bargaining by the school
 16 employee organization as exclusive representative; or

17 (2) the designated exclusive representative is no longer the
 18 representative of the majority of school employees in the unit.

19 (c) The school employer may file a petition asserting: ~~that:~~

20 (1) that one (1) or more school employee organizations have
 21 presented to the school employer a claim to be recognized as the
 22 exclusive representative in an appropriate unit; or

23 (2) that the school employer has good faith doubt that the
 24 previously certified school employee organization represents a
 25 majority of employees in the bargaining unit.

26 (d) Twenty percent (20%) of the school employees in a unit may file
 27 a petition asserting that the designated exclusive representative is no
 28 longer the representative of the majority of school employees in the
 29 unit.

30 (e) The board shall investigate a petition filed under subsection (b),
 31 (c), or (d). If the board has reasonable cause to believe that a question
 32 exists as to whether the designated exclusive representative or any
 33 school employee organization represents a majority of the school
 34 employees in a unit, the board shall provide for an appropriate hearing
 35 within thirty (30) days. In holding a hearing, the board is not required
 36 to comply with IC 4-21.5.

37 (f) If the board finds, based on the record of a hearing held under
 38 subsection (e), that a question of representation exists, the board shall
 39 direct an election by secret ballot in a unit the board determines to be
 40 appropriate.

41 (g) Certification as the exclusive representative may be granted only
 42 to a school employee organization that has been selected in a secret
 43 ballot election under subsection (f), by a majority of all the employees
 44 in an appropriate unit as their representative.

45 (h) An election described in subsection (f) may not be held in a
 46 bargaining unit if a valid election has been held in the preceding



1 twenty-four (24) month period.

2 SECTION 41. IC 21-2-21-6, AS ADDED BY P.L.1-2005,
3 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 UPON PASSAGE]: Sec. 6. (a) This section ~~applies~~ **applies** if a
5 governing body finds by written resolution that an emergency exists
6 that requires the expenditure of money for a lawful corporate purpose
7 that was not included in the school corporation's existing budget and
8 tax levy.

9 (b) If a governing body makes a finding specified in subsection (a),
10 the governing body may authorize the making of an emergency loan
11 that may be evidenced by the issuance of the school corporation's note
12 in the same manner and subject to the same procedure and restrictions
13 as provided for the issuance of the school corporation's bonds, except
14 as to purpose.

15 (c) If a governing body authorizes an emergency loan as specified
16 in subsection (b), the governing body shall, at the time for making the
17 next annual budget and tax levy for the school corporation, make a levy
18 to the credit of the fund for which the expenditure is made sufficient to
19 pay the debt and the interest on the debt. However, the interest on the
20 loan may be paid from the debt service fund.

21 SECTION 42. IC 21-3-1.6-1.1, AS AMENDED BY P.L.1-2005,
22 SECTION 170, AND AS AMENDED BY P.L.246, SECTION 191, IS
23 CORRECTED AND AMENDED TO READ AS FOLLOWS
24 [EFFECTIVE UPON PASSAGE]: Sec. 1.1. As used in this chapter:

25 (a) "School corporation" means any local public school corporation
26 established under Indiana law. Except as otherwise indicated, the term
27 includes a charter school.

28 (b) "School year" means a year beginning July 1 and ending the next
29 succeeding June 30.

30 (c) "State distribution" due a school corporation means the amount
31 of state funds to be distributed to a school corporation in any calendar
32 year under this chapter.

33 (d) "Average daily membership" or "ADM" of a school corporation
34 means the number of eligible pupils enrolled in the school corporation
35 or in a transferee corporation on a day to be fixed annually by the
36 Indiana state board of education and *beginning in the school year that*
37 *ends in the 2005 calendar year*, as subsequently adjusted not later than
38 January 30 under the rules adopted by the state board of education. The
39 initial day of the count shall fall within the first thirty (30) days of the
40 school term. If, however, extreme patterns of student in-migration,
41 illness, natural disaster, or other unusual conditions in a particular
42 school corporation's enrollment on either the day fixed by the Indiana
43 state board of education or on the subsequent adjustment date, cause
44 the enrollment to be unrepresentative of the school corporation's
45 enrollment throughout a school year, the Indiana state board of
46 education may designate another day for determining the school



corporation's enrollment. The Indiana state board of education shall monitor changes that occur after the fall count, in the number of students enrolled in programs for children with disabilities and shall, before December 2 of that same year and, beginning in the 2004 calendar year, before April 2 of the following calendar year, make an adjusted count of students enrolled in programs for children with disabilities. The superintendent of public instruction shall certify the December adjusted count to the budget committee before February 5 of the following year and the April adjusted count not later than May 31 immediately after the date of the April adjusted count. In determining the ADM, each kindergarten pupil shall be counted as one-half (1/2) pupil. Where a school corporation commences kindergarten in a school year, the ADM of the current and prior calendar years shall be adjusted to reflect the enrollment of the kindergarten pupils. In determining the ADM, each pupil enrolled in a public school and a nonpublic school is to be counted on a full-time equivalency basis as provided in section 1.2 of this chapter.

(e) "Additional count" of a school corporation, or comparable language, means the aggregate of the additional counts of the school corporation for certain pupils as set out in section 3 of this chapter (repealed) and as determined at the times for calculating ADM. "Current additional count" means the initial computed additional count of the school corporation for the school year ending in the calendar year. "Prior year additional count" of a school corporation used in computing its state distribution in a calendar year means the initial computed additional count of the school corporation for the school year ending in the preceding calendar year.

(f) For purposes of this subsection, "school corporation" does not include a charter school. "Adjusted assessed valuation" of any school corporation used in computing state distribution for a calendar year means the assessed valuation in the school corporation, adjusted as provided in IC 6-1.1-34. The amount of the valuation shall also be adjusted downward by the department of local government finance to the extent it consists of real or personal property owned by a railroad or other corporation under the jurisdiction of a federal court under the federal bankruptcy laws (11 U.S.C. 101 et seq.) if as a result of the corporation being involved in a bankruptcy proceeding the corporation is delinquent in payment of its Indiana real and personal property taxes for the year to which the valuation applies. If the railroad or other corporation in some subsequent calendar year makes payment of the delinquent taxes, then the state superintendent of public instruction shall prescribe adjustments in the distributions of state funds pursuant to this chapter as are thereafter to become due to a school corporation affected by the delinquency as will ensure that the school corporation will not have been unjustly enriched under the provisions of P.L.382-1987(ss). The amount of the valuation shall also be adjusted



downward by the department of local government finance to the extent it consists of real or personal property described in IC 6-1.1-17-0.5(b).

(g) "General fund" means a fund established under IC 21-2-11-2.

(h) "Teacher" means every person who is required as a condition of employment by a school corporation to hold a teacher's license issued or recognized by the state, except substitutes and any person paid entirely from federal funds.

(i) For purposes of this subsection, "school corporation" does not include a charter school. "Teacher ratio" of a school corporation used in computing state distribution in any calendar year means the ratio assigned to the school corporation pursuant to section 2 of this chapter.

(j) "Eligible pupil" means a pupil enrolled in a school corporation if:

(1) the school corporation has the responsibility to educate the pupil in its public schools without the payment of tuition;

(2) subject to subdivision (5), the school corporation has the responsibility to pay transfer tuition under ~~IC 20-8.1-6.1~~, *IC 20-8.1-6.1 (before its repeal)* or IC 20-26-11, because the pupil is transferred for education to another school corporation (the "transferee corporation");

(3) the pupil is enrolled in a school corporation as a transfer student under ~~IC 20-8.1-6.1~~, *IC 20-8.1-6.1 (before its repeal)* or IC 20-26-11-6 or entitled to be counted for ADM or additional count purposes as a resident of the school corporation when attending its schools under any other applicable law or regulation;

(4) the state is responsible for the payment of transfer tuition to the school corporation for the pupil under ~~IC 20-8.1-6.1~~, *IC 20-8.1-6.1 (before its repeal)* or IC 20-26-11; or

(5) all of the following apply:

(A) The school corporation is a transferee corporation.

(B) The pupil does not qualify as a qualified pupil in the transferee corporation under subdivision (3) or (4).

(C) The transferee corporation's attendance area includes a state licensed private or public health care facility, child care facility, or foster family home where the pupil was placed:

(i) by or with the consent of the division of family and children;

(ii) by a court order;

(iii) by a child placing agency licensed by the division of family and children; or

(iv) by a parent or guardian under ~~IC 20-8.1-6.1~~, *IC 20-8.1-6.1 (before its repeal)* or IC 20-26-11-8.

For purposes of IC 21-3-12, the term includes a student enrolled in a charter school.

(k) "General fund budget" of a school corporation means the amount of the budget approved for a given year by the department of local



government finance and used by the department of local government finance in certifying a school corporation's general fund tax levy and tax rate for the school corporation's general fund as provided for in IC 21-2-11. The term does not apply to a charter school.

(t) "At risk index" means the following:

(1) For a school corporation that is not a charter school, the sum of:

(A) the product of sixteen-hundredths (0.16) multiplied by the percentage of families in the school corporation with children who are less than eighteen (18) years of age and who have a family income below the federal income poverty level (as defined in IC 12-15-2-1);

(B) the product of four-tenths (0.4) multiplied by the percentage of families in the school corporation with a single parent; and

(C) the product of forty-four hundredths (0.44) multiplied by the percentage of the population in the school corporation who are at least twenty (20) years of age with less than a twelfth grade education.

The data to be used in making the calculations under this subdivision must be the data from the 2000 federal decennial census.

(2) For a charter school, the index determined under subdivision (1) for the school corporation in which the charter school is located.

~~(m)~~ (l) "ADM of the previous year" or "ADM of the prior year" used in computing a state distribution in a calendar year means the initial computed ADM for the school year ending in the preceding calendar year.

~~(m)~~ (m) "Current ADM" used in computing a state distribution in a calendar year means the initial computed ADM for the school year ending in the calendar year.

SECTION 43. IC 22-4-11.5-10, AS ADDED BY P.L.98-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) In addition to any other penalty imposed, a person **who violates this chapter** is subject to a civil penalty under this chapter.

(b) This subsection applies to a person who is an employer (as defined in IC 22-4-7). If an administrative law judge determines that a person is subject to a civil penalty under subsection (a), the administrative law judge shall assign an employer contribution rate equal to one (1) of the following as a civil penalty:

(1) The highest employer contribution rate assignable under this article for:

(A) the year in which the violation occurred; and

(B) the following three (3) years.



(2) An employer contribution rate of two percent (2%) of the employer's taxable wages (as defined in IC 22-4-4-2) for the year in which the violation occurred and the following three (3) years, if:

(A) an employer is already paying the highest employer contribution rate at the time of the violation; or

(B) the increase in the contribution rate described in subdivision (1) is less than two percent (2%).

(c) This subsection applies to a person who is not an employer (as defined in ~~IC 22-4-7-1 or IC 22-4-7-2~~; **IC 22-4-7**). If an administrative law judge determines that a person is subject to a civil penalty under subsection (a), the administrative law judge shall assess a civil penalty of not more than five thousand dollars (\$5,000).

(d) All civil penalties collected under this section shall be deposited in the unemployment insurance benefit fund established by IC 22-4-26-1.

SECTION 44. IC 22-4.1-12-4, AS ADDED BY P.L.1-2005, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The department shall establish the Indiana education employment program to:

(1) assist eligible students to successfully make the transition from school to the work or employment setting; and

(2) provide financial assistance to private industry councils (as defined in 29 U.S.C. 1501 et seq.) to involve school corporations that agree to jointly participate in the program.

(b) The goals of the program are as follows:

(1) **The program will** prevent withdrawal from school before graduation.

(2) **Eligible students, through the program, will:**

(A) attain high school graduation;

~~(B)~~ (B) receive job placement assistance;

~~(C)~~ (C) receive follow-up services for one (1) year after job placement; **and**

~~(D)~~ (D) receive recognition in the form of a pay raise or promotion within one (1) year **of after beginning** employment.

SECTION 45. IC 25-33-1-3, AS AMENDED BY P.L.1-2005, SECTION 196, AND AS AMENDED BY P.L.246-2005, SECTION 211, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) There is created a board to be known as the "state psychology board". The board shall consist of seven (7) members appointed by the governor. Six (6) of the board members shall be licensed under this article and shall have had at least five (5) years of experience as a professional psychologist prior to their appointment. The seventh member shall be appointed to represent the general public, must be a resident of this state, must never have been



1 credentialed in a mental health profession, and must in no way be
 2 associated with the profession of psychology other than as a consumer.
 3 All members shall be appointed for a term of three (3) years. All
 4 members may serve until their successors are duly appointed and
 5 qualified. A vacancy occurring on the board shall be filled by the
 6 governor by appointment. The member so appointed shall serve for the
 7 unexpired term of the vacating member. Each member of the board is
 8 entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b).
 9 Such a member is also entitled to reimbursement for traveling expenses
 10 and other expenses actually incurred in connection with the member's
 11 duties, as provided in the state travel policies and procedures
 12 established by the *Indiana* department of administration and approved
 13 by the state budget agency.

14 (b) The members of the board shall organize by the election of a
 15 chairman and a vice chairman from among its membership. Such
 16 officers shall serve for a term of one (1) year. The board shall meet at
 17 least once in each calendar year and on such other occasions as it
 18 considers necessary and advisable. A meeting of the board may be
 19 called by its chairman or by a majority of the members on the board.
 20 Four (4) members of the board constitute a quorum. A majority of the
 21 quorum may transact business.

22 (c) The board is empowered to do the following:

23 (1) Establish reasonable application, examination, and renewal
 24 procedures and set fees for licensure under this article. However,
 25 no fee collected under this article shall, under any circumstances,
 26 be refunded.

27 (2) Adopt and enforce rules concerning assessment of costs in
 28 disciplinary proceedings before the board.

29 (3) Establish examinations of applicants for licensure under this
 30 article and issue, deny, suspend, revoke, and renew licenses.

31 (4) Subject to IC 25-1-7, investigate and conduct hearings, upon
 32 complaint against individuals licensed or not licensed under this
 33 article, concerning alleged violation of this article, under
 34 procedures conducted in accordance with IC 4-21.5.

35 (5) Initiate the prosecution and enjoinder of any person violating
 36 this article.

37 (6) Adopt rules which are necessary for the proper performance
 38 of its duties, in accordance with IC 4-22-2.

39 (7) Establish a code of professional conduct.

40 (d) The board shall adopt rules establishing standards for the
 41 competent practice of psychology.

42 (e) All expenses incurred in the administration of this article shall
 43 be paid from the general fund upon appropriation being made in the
 44 manner provided by law for the making of such appropriations.

45 (f) The bureau shall do the following:

46 (1) Carry out the administrative functions of the board.



(2) Provide necessary personnel to carry out the duties of this article.

(3) Receive and account for all fees required under this article.

(4) Deposit fees collected with the treasurer of ~~the~~ state for deposit in the state general fund.

(g) The board shall adopt rules under IC 4-22-2 to establish, maintain, and update a list of restricted psychology tests and instruments (as defined in section 14(b) of this chapter) containing those psychology tests and instruments that, because of their design or complexity, create a danger to the public by being improperly administered and interpreted by an individual other than:

(1) a psychologist licensed under IC 25-33-1-5.1;

(2) an appropriately trained mental health provider under the direct supervision of a health service provider endorsed under IC 25-33-1-5.1(c);

(3) a qualified physician licensed under IC 25-22.5;

(4) a school psychologist who holds a valid:

(A) license issued by the *professional standards board department of education* under IC 20-28-2; or

(B) endorsement under ~~IC 20-20-28-12~~; IC 20-28-12;

practicing within the scope of the school psychologist's license or endorsement; or

(5) a minister, priest, rabbi, or other member of the clergy providing pastoral counseling or other assistance.

(h) The board shall provide to:

(1) the social work certification and marriage and family therapists credentialing board; and

(2) any other interested party upon receiving the request of the interested party;

a list of the names of tests and instruments proposed for inclusion on the list of restricted psychological tests and instruments under subsection (g) at least sixty (60) days before publishing notice of intent under IC 4-22-2-23 to adopt a rule regarding restricted tests and instruments.

(i) The social work certification and marriage and family therapists credentialing board and any other interested party that receives the list under subsection (h) may offer written comments or objections regarding a test or instrument proposed for inclusion on the list of restricted tests and instruments within sixty (60) days after receiving the list. If:

(1) the comments or objections provide evidence indicating that a proposed test or instrument does not meet the criteria established for restricted tests and instruments, the board may delete that test from the list of restricted tests; and

(2) the board determines that a proposed test or instrument meets the criteria for restriction after reviewing objections to the test or



instrument, the board shall respond in writing to justify its decision to include the proposed test or instrument on the list of restricted tests and instruments.

(j) This section may not be interpreted to prevent a licensed or certified health care professional from practicing within the scope of the health care professional's:

- (1) license or certification; and
- (2) training or credentials.

SECTION 46. IC 27-8-10-2.3, AS AMENDED BY P.L.2-2005, SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.3. (a) A member shall, not later than October 31 of each year, certify an independently audited report to the:

- (1) association;
- (2) legislative council; and
- (3) department of insurance;

of the amount of tax credits taken against assessments by the member under ~~section 2.1(n)(1)~~ **section 2.1 (as in effect December 31, 2004) or 2.4** of this chapter during the previous calendar year. A report certified under this section to the legislative council must be in an electronic format under IC 5-14-6.

(b) A member shall, not later than October 31 of each year, certify an independently audited report to the association of the amount of assessments paid by the member against which a tax credit has not been taken under section 2.1 (as in effect December 31, 2004) or 2.4 of this chapter as of the date of the report.

SECTION 47. IC 27-13-43-2, AS ADDED BY P.L.26-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The department shall prescribe the credentialing application form used by the Council for Affordable Quality Healthcare (CAQH) in electronic or paper format. ~~which The~~ **form** must be used by:

- (1) a provider who applies for credentialing by a health maintenance organization; and
- (2) a health maintenance organization that performs credentialing activities.

(b) A health maintenance organization shall notify a provider concerning a deficiency on a completed credentialing application form submitted by the provider not later than thirty (30) business days after the health maintenance organization receives the completed credentialing application form.

(c) A health maintenance organization shall notify a provider concerning the status of the provider's completed credentialing application not later than:

- (1) sixty (60) days after the health maintenance organization receives the completed credentialing application form; and
- (2) every thirty (30) days after the notice is provided under



subdivision (1), until the health maintenance organization makes a final credentialing determination concerning the provider.

SECTION 48. IC 28-7-1-39, AS ADDED BY P.L.141-2005, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 39. (a) As used in this section, "loans and extensions of credit" includes all direct or indirect advances of funds made to a member on the basis of:

- (1) an obligation of the member to repay the funds; or
- (2) a pledge of specific property by or on behalf of the member and from which the funds advanced are repayable.

The term includes any contractual liability of a credit union to advance funds to or on behalf of a member, to the extent specified by the department.

(b) As used in this section, "member" includes an individual, a sole proprietorship, a partnership, a joint venture, an association, a trust, an estate, a business trust, a limited liability company, a corporation, a sovereign government, or an agency, instrumentality, or political subdivision of a sovereign government, or any similar entity or organization.

(c) Except as provided in subsection (e), the total loans and extensions of credit by a credit union to a member outstanding at any given time and not fully secured, as determined in a manner consistent with subsection (d), by collateral with a market value at least equal to the amount of the loan or extension of credit may not exceed fifteen percent (15%) of the unimpaired capital and unimpaired surplus of the credit union.

(d) Except as provided in subsection (e), the total loans and extensions of credit by a credit union to a member outstanding at any given time and fully secured by readily marketable collateral having a market value, as determined by reliable and continuously available price quotations, at least equal to the amount of funds outstanding may not exceed ten percent (10%) of the unimpaired capital and unimpaired surplus of the credit union. The limitation in this subsection is separate from and in addition to the limitation set forth in subsection (c).

(e) The limitations set forth in subsections (c) and (d) are subject to the following exceptions:

- (1) Loans or extensions of credit arising from the discount of commercial or business paper evidencing an obligation to the member negotiating it with recourse are not subject to any limitation based on capital and surplus.
- (2) The purchase of bankers' acceptances of the kind described in 12 U.S.C. 372 and issued by a financial institution organized or reorganized under the laws of Indiana or any other state or the United States are not subject to any limitation based on capital and surplus.
- (3) Loans or extensions of credit secured by bills of lading,



warehouse receipts, or similar documents transferring or securing title to readily marketable staples are subject to a limitation of thirty-five percent (35%) of capital and surplus in addition to the general limitations if the market value of the staples securing each additional loan or extension of credit at all times equals or exceeds one hundred fifteen percent (115%) of the outstanding amount of the loan or extension of credit. The staples shall be fully covered by insurance whenever it is customary to insure such staples.

(4) Loans or extensions of credit secured by bonds, notes, certificates of indebtedness, or Treasury bills of the United States or by any other obligation fully guaranteed as to principal and interest by the United States are not subject to any limitation based on capital and surplus.

(5) Loans or extensions of credit to or secured by unconditional takeout commitment or guarantees of any department, agency, bureau, board, commission, or establishment of the United States or any corporation wholly owned directly or indirectly by the United States are not subject to any limitation based on capital and surplus.

(6) Loans or extensions of credit secured by a segregated deposit account in the lending credit union are not subject to any limitation based on capital and surplus.

(7) Loans or extensions of credit to any credit union, when the loans or extensions of credit are approved by the director of the department, are not subject to any limitation based on capital and surplus.

(8) Loans or extensions of credit to the Student Loan Marketing Association are not subject to any limitation based on capital and surplus.

(f) Loans or extensions of credit arising from the discount of negotiable or nonnegotiable installment consumer paper that carries a full recourse endorsement or unconditional guarantee by the member transferring the paper ~~is~~ **are** subject under this section to a maximum limitation equal to twenty-five percent (25%) of the capital and surplus, notwithstanding the collateral requirements set forth in subsection (d).

(g) If the credit union's files or the knowledge of the credit union's officers of the financial condition of each maker of consumer paper described in subsection (f) is reasonably adequate, and an officer of the credit union designated for that purpose by the board of directors of the credit union certifies in writing that the credit union is relying primarily upon the responsibility of each maker for payment of the loans or extensions of credit and not upon any full or partial recourse endorsement or guarantee by the transferor, the limitations of this section as to the loans or extensions of credit of each maker shall be the sole applicable loan limitations.



(h) Loans or extensions of credit secured by shipping documents or instruments transferring or securing title covering livestock or giving a lien on livestock when the market value of the livestock securing the obligation is not at any time less than one hundred fifteen percent (115%) of the face amount of the note covered are subject under this section, notwithstanding the collateral requirements set forth in subsection (d), to a maximum limitation equal to twenty-five percent (25%) of the capital and surplus.

(i) Loans or extensions of credit that arise from the discount by dealers in dairy cattle of paper given in payment for dairy cattle, which paper carries a full recourse endorsement or unconditional guarantee of the seller and that are secured by the cattle being sold, are subject under this section, notwithstanding the collateral requirements set forth in subsection (d), to a limitation of twenty-five percent (25%) of the capital and surplus.

(j) Except as otherwise provided, an officer, director, employee, or attorney of a credit union who stipulates for, receives, or consents or agrees to receive, any fee, commission, gift, or thing of value, from any person, for the purpose of procuring or endeavoring to procure for any member any loan from or the purchase or discount of any paper, note, draft, check, or bill of exchange by the credit union, commits a Class A misdemeanor.

(k) Except as otherwise provided in this chapter, any credit union that holds obligations of indebtedness in violation of the limitations prescribed in this section shall, not later than July 1, 2006, cause the amount of the obligations to conform to the limitations prescribed by this chapter and by the provisions of this section. The department may, in its discretion, extend the time for effecting this conformity, in individual instances, if the interests of the depositors will be protected and served by an extension. Upon the failure of a credit union to comply with the limitations, in accordance with this section or in accordance with any order of the department concerning the limitations, the department may declare that the credit union is conducting its business in an unauthorized or unsafe manner and proceed in accordance with IC 28-1-3.1-2.

(l) The department may apply the provisions of 12 CFR 32 in the application and administration of this chapter.

SECTION 49. IC 30-5-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) An attorney in fact is liable for the negligent exercise of the power of attorney, except for the exercise of the attorney in fact's power under ~~IC 30-5-4-16~~ **IC 30-5-5-16** or ~~IC 30-5-4-17~~ **IC 30-5-5-17**.

(b) An attorney in fact is liable for the exercise of authority or failure to exercise authority under IC 30-5-5-16 or IC 30-5-5-17 only if the attorney in fact acted in bad faith.

SECTION 50. IC 31-19-17-3, AS AMENDED BY P.L.100-2005,



SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. The person, licensed child placing agency, or county office of family and children shall:

- (1) exclude information that would identify the birth parents; and
- (2) release all available social, medical, psychological, and educational records concerning the child to:
 - (A) the adoptive parent; and
 - (B) upon request, an adoptee who: ~~is~~
 - (i) **is** at least twenty-one (21) years of age; and
 - (ii) provides proof of identification;

SECTION 51. IC 31-19-17-4, AS AMENDED BY P.L.100-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. The person, licensed child placing agency, or county office of family and children shall provide:

- (1) the adoptive parent; and
- (2) upon request, an adoptee who: ~~is~~
 - (A) **is** at least twenty-one (21) years of age; and
 - (B) provides proof of identification;

with a summary of other existing social, medical, psychological, and educational records concerning the child of which the person, agency, or county office has knowledge but does not have possession. If requested by an adoptive parent or an adoptee, the person, agency, or county office shall attempt to provide the adoptive parent or the adoptee with a copy of any social, medical, psychological, or educational record that is not in the possession of the person, agency, or county office after identifying information has been excluded.

SECTION 52. IC 31-19-17-5, AS ADDED BY P.L.100-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) This section applies to an adoption that is granted before July 1, 1993.

- (b) Upon the request of an adoptee who: ~~is~~
 - (1) **is** at least twenty-one (21) years of age; and
 - (2) provides proof of identification;

a person, a licensed child placing agency, or a county office of family and children shall provide to the adoptee available information of social, medical, psychological, and educational records and reports concerning the adoptee. The person, licensed child placing agency, or county office of family and children shall exclude from the records information that would identify the birth parents.

SECTION 53. IC 33-33-49-13, AS AMENDED BY P.L.2-2005, SECTION 93, AND AS AMENDED BY P.L.58-2005, SECTION 35, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) Each judge of the court shall be elected for a term of six (6) years that begins January 1 after the year of the judge's election and continues through December 31 in the sixth year. The judge shall hold office for the six (6) year term or



1 until the judge's successor is elected and qualified. A candidate for
 2 judge shall run at large for the office of judge of the court and not as a
 3 candidate for judge of a particular room or division of the court.

4 (b) Beginning with the primary election held in 1996 and every six
 5 (6) years thereafter, a political party may nominate not more than eight
 6 (8) candidates for judge of the court. Beginning with the primary
 7 election held in 2000 and every six (6) years thereafter, a political party
 8 may nominate not more than nine (9) candidates for judge of the court.
 9 The candidates shall be voted on at the general election. Other
 10 candidates may qualify under IC 3-8-6 to be voted on at the general
 11 election.

12 (c) The names of the party candidates nominated and properly
 13 certified to the Marion County election board, along with the names of
 14 other candidates who have qualified, shall be placed on the ballot at the
 15 general election in the form prescribed by ~~IC 3-11-2~~ IC 3-11.
 16 Beginning with the 1996 general election and every six (6) years
 17 thereafter, persons eligible to vote at the general election may vote for
 18 fifteen (15) candidates for judge of the court. Beginning with the 2000
 19 general election and every six (6) years thereafter, persons eligible to
 20 vote at the general election may vote for seventeen (17) candidates for
 21 judge of the court.

22 (d) The candidates for judge of the court receiving the highest
 23 number of votes shall be elected to the vacancies. The names of the
 24 candidates elected as judges of the court shall be certified to the county
 25 election board as provided by law.

26 SECTION 54. IC 33-37-7-9, AS AMENDED BY P.L.176-2005,
 27 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 UPON PASSAGE]: Sec. 9. (a) On June 30 and on December 31 of
 29 each year, the auditor of state shall transfer to the treasurer of state
 30 seven million nine hundred thirty-two thousand two hundred nine
 31 dollars (\$7,932,209) for distribution under subsection (b).

32 (b) On June 30 and on December 31 of each year the treasurer of
 33 state shall deposit into:

34 (1) the family violence and victim assistance fund established by
 35 IC 12-18-5-2 an amount equal to nine and thirty-seven hundredths
 36 percent (9.37%);

37 (2) the Indiana judges' retirement fund established by
 38 IC 33-38-6-12 an amount equal to thirty-two and fifty-three
 39 hundredths percent (32.53%);

40 (3) the law enforcement academy building fund established by
 41 IC 5-2-1-13 an amount equal to two **and** ninety-eight hundredths
 42 percent (2.98%);

43 (4) the law enforcement training fund established by IC 5-2-1-13
 44 an amount equal to twelve percent (12%);

45 (5) the violent crime victims compensation fund established by
 46 IC 5-2-6.1-40 an amount equal to thirteen and ninety-five



hundredths percent (13.95%);

(6) the motor vehicle highway account an amount equal to twenty-two and seventy-eight hundredths percent (22.78%);

(7) the fish and wildlife fund established by IC 14-22-3-2 an amount equal to twenty-eight hundredths of one percent (0.28%);

(8) the Indiana judicial center drug and alcohol programs fund established by IC 12-23-14-17 for the administration, certification, and support of alcohol and drug services programs under IC 12-23-14 an amount equal to one and eighty-nine hundredths percent (1.89%); and

(9) the DNA sample processing fund established under IC 10-13-6-9.5 for the funding of the collection, shipment, analysis, and preservation of DNA samples and the conduct of a DNA data base program under IC 10-13-6 an amount equal to four and twenty-two hundredths percent (4.22%);

of the amount transferred by the auditor of state under subsection (a).

(c) On June 30 and on December 31 of each year, the auditor of state shall transfer to the treasurer of state for deposit into the public defense fund established under IC 33-40-6-1:

(1) after June 30, 2004, and before July 1, 2005, one million seven hundred thousand dollars (\$1,700,000); and

(2) after June 30, 2005, two million seven hundred thousand dollars (\$2,700,000).

SECTION 55. IC 34-30-2-151.2, AS ADDED BY P.L.70-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 151.2. IC 35-45-5-4.6 (Concerning the action of an interactive computer service in blocking ~~a~~ **the receipt or transmission of a commercial electronic mail message** it reasonably believes to be sent in violation of IC 35-45-5).

SECTION 56. IC 35-33-5-1, AS AMENDED BY P.L.187-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) A court may issue warrants only upon probable cause, supported by oath or affirmation, to search any place for any of the following:

(1) Property which is obtained unlawfully.

(2) Property, the possession of which is unlawful.

(3) Property used or possessed with intent to be used as the means of committing an offense or concealed to prevent an offense from being discovered.

(4) Property constituting evidence of an offense or tending to show that a particular person committed an offense.

(5) Any person.

(6) Evidence necessary to enforce statutes enacted to prevent cruelty to or neglect of children.

(7) A firearm possessed by a person who is dangerous (as defined in ~~IC 35-47-13-1~~ **IC 35-47-14-1**).



(b) As used in this section, "place" includes any location where property might be secreted or hidden, including buildings, persons, or vehicles.

SECTION 57. IC 35-33-5-5, AS AMENDED BY P.L.187-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) All items of property seized by any law enforcement agency as a result of an arrest, search warrant, or warrantless search, shall be securely held by the law enforcement agency under the order of the court trying the cause, except as provided in this section.

(b) Evidence that consists of property obtained unlawfully from its owner may be returned by the law enforcement agency to the owner before trial, in accordance with IC 35-43-4-4(h).

(c) Following the final disposition of the cause at trial level or any other final disposition the following shall be done:

(1) Property which may be lawfully possessed shall be returned to its rightful owner, if known. If ownership is unknown, a reasonable attempt shall be made by the law enforcement agency holding the property to ascertain ownership of the property. After ninety (90) days from the time:

(A) the rightful owner has been notified to take possession of the property; or

(B) a reasonable effort has been made to ascertain ownership of the property;

the law enforcement agency holding the property shall, at such time as it is convenient, dispose of this property at a public auction. The proceeds of this property shall be paid into the county general fund.

(2) Except as provided in subsection (e), property, the possession of which is unlawful, shall be destroyed by the law enforcement agency holding it sixty (60) days after final disposition of the cause.

(3) A firearm that has been seized from a person who is dangerous (as defined in ~~IC 35-47-13-1~~ **IC 35-47-14-1**) shall be retained, returned, or disposed of in accordance with ~~IC 35-47-13-1~~ **IC 35-47-14-1**.

(d) If any property described in subsection (c) was admitted into evidence in the cause, the property shall be disposed of in accordance with an order of the court trying the cause.

(e) A law enforcement agency may destroy or cause to be destroyed chemicals or controlled substances associated with the illegal manufacture of drugs or controlled substances without a court order if all the following conditions are met:

(1) The law enforcement agency collects and preserves a sufficient quantity of the chemicals or controlled substances to demonstrate that the chemicals or controlled substances were



1 associated with the illegal manufacture of drugs or controlled
2 substances.

3 (2) The law enforcement agency takes photographs of the illegal
4 drug manufacturing site that accurately depict the presence and
5 quantity of chemicals and controlled substances.

6 (3) The law enforcement agency completes a chemical inventory
7 report that describes the type and quantities of chemicals and
8 controlled substances present at the illegal manufacturing site.

9 The photographs and description of the property shall be admissible
10 into evidence in place of the actual physical evidence.

11 (f) For purposes of preserving the record of any conviction on
12 appeal, a photograph demonstrating the nature of the property, and an
13 adequate description of the property must be obtained before the
14 disposition of it. In the event of a retrial, the photograph and
15 description of the property shall be admissible into evidence in place
16 of the actual physical evidence. All other rules of law governing the
17 admissibility of evidence shall apply to the photographs.

18 (g) The law enforcement agency disposing of property in any
19 manner provided in subsection (b), (c), or (e) shall maintain certified
20 records of any such disposition. Disposition by destruction of property
21 shall be witnessed by two (2) persons who shall also attest to the
22 destruction.

23 (h) This section does not affect the procedure for the disposition of
24 firearms seized by a law enforcement agency.

25 (i) A law enforcement agency that disposes of property by auction
26 under this section shall permanently stamp or otherwise permanently
27 identify the property as property sold by the law enforcement agency.

28 (j) Upon motion of the prosecuting attorney, the court shall order
29 property seized under IC 34-24-1 transferred, subject to the perfected
30 liens or other security interests of any person in the property, to the
31 appropriate federal authority for disposition under 18 U.S.C. 981(e), 19
32 U.S.C. 1616a, or 21 U.S.C. 881(e) and any related regulations adopted
33 by the United States Department of Justice.

34 SECTION 58. IC 35-33-8-3.2, AS AMENDED BY P.L.10-2005,
35 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 UPON PASSAGE]: Sec. 3.2. (a) A court may admit a defendant to bail
37 and impose any of the following conditions to assure the defendant's
38 appearance at any stage of the legal proceedings, or, upon a showing
39 of clear and convincing evidence that the defendant poses a risk of
40 physical danger to another person or the community, to assure the
41 public's physical safety:

42 (1) Require the defendant to:

43 (A) execute a bail bond with sufficient solvent sureties;

44 (B) deposit cash or securities in an amount equal to the bail;

45 (C) execute a bond secured by real estate in the county, where
46 thirty-three hundredths (0.33) of the true tax value less



- 1 encumbrances is at least equal to the amount of the bail; or
- 2 (D) post a real estate bond.
- 3 The defendant must also pay the fee required by subsection (d).
- 4 (2) Require the defendant to execute a bail bond by depositing
- 5 cash or securities with the clerk of the court in an amount not less
- 6 than ten percent (10%) of the bail. If the defendant is convicted,
- 7 the court may retain all or a part of the cash or securities to pay
- 8 fines, costs, fees, and restitution, if ordered by the court. A portion
- 9 of the deposit, not to exceed ten percent (10%) of the monetary
- 10 value of the deposit or fifty dollars (\$50), whichever is the lesser
- 11 amount, may be retained as an administrative fee. The clerk shall
- 12 also retain from the deposit under this subdivision the following:
- 13 (A) Fines, costs, fees, and restitution as ordered by the court.
- 14 (B) Publicly paid costs of representation that shall be disposed
- 15 of in accordance with subsection (b).
- 16 (C) In the event of the posting of a real estate bond, the bond
- 17 shall be used only to insure the presence of the defendant at
- 18 any stage of the legal proceedings, but shall not be foreclosed
- 19 for the payment of fines, costs, fees, or restitution.
- 20 (D) The fee required by subsection (d).
- 21 The individual posting bail for the defendant or the defendant
- 22 admitted to bail under this subdivision must be notified by the
- 23 sheriff, court, or clerk that the defendant's deposit may be
- 24 forfeited under section 7 of this chapter or retained under
- 25 subsection (b).
- 26 (3) Impose reasonable restrictions on the activities, movements,
- 27 associations, and residence of the defendant during the period of
- 28 release.
- 29 (4) Require the defendant to refrain from any direct or indirect
- 30 contact with an individual.
- 31 (5) Place the defendant under the reasonable supervision of a
- 32 probation officer or other appropriate public official.
- 33 (6) Release the defendant into the care of a qualified person or
- 34 organization responsible for supervising the defendant and
- 35 assisting the defendant in appearing in court. The supervisor shall
- 36 maintain reasonable contact with the defendant in order to assist
- 37 the defendant in making arrangements to appear in court and,
- 38 where appropriate, shall accompany the defendant to court. The
- 39 supervisor need not be financially responsible for the defendant.
- 40 (7) Release the defendant on personal recognizance unless:
- 41 (A) the state presents evidence relevant to a risk by the
- 42 defendant:
- 43 (i) of nonappearance; or
- 44 (ii) to the physical safety of the public; and
- 45 (B) the court finds by a preponderance of the evidence that the
- 46 risk exists.



(8) Impose any other reasonable restrictions designed to assure the defendant's presence in court or the physical safety of another person or the community.

(b) Within thirty (30) days after disposition of the charges against the defendant, the court that admitted the defendant to bail shall order the clerk to remit the amount of the deposit remaining under subsection (a)(2) to the defendant. The portion of the deposit that is not remitted to the defendant shall be deposited by the clerk in the supplemental public defender services fund established under IC 33-40-3.

(c) For purposes of subsection (b), "disposition" occurs when the indictment or information is dismissed, or the defendant is acquitted or convicted of the charges.

(d) Except as provided in subsection (e), the clerk of the court shall:

(1) collect a fee of five dollars (\$5) from each bond or deposit required under subsection (a)(1); and

(2) retain a fee of five dollars (\$5) from each deposit under subsection (a)(2).

The clerk of the court shall semiannually remit the fees collected under this subsection to the board of trustees of the public employees' retirement fund for deposit in the ~~the~~ special death benefit fund. The fee required by subdivision (2) is in addition to the administrative fee retained under subsection (a)(2).

(e) With the approval of the clerk of the court, the county sheriff may collect the bail posted under this section. The county sheriff shall remit the bail to the clerk of the court by the following business day and remit monthly the five dollar (\$5) special death benefit fee to the county auditor.

(f) When a court imposes a condition of bail described in subsection (a)(4):

(1) the clerk of the court shall comply with IC 5-2-9; and

(2) the prosecuting attorney shall file a confidential form prescribed or approved by the division of state court administration with the clerk.

SECTION 59. IC 35-43-5-7.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7.1. (a) Except as provided in subsection (b), a person who knowingly or intentionally:

(1) files a Medicaid claim, including an electronic claim, in violation of IC 12-15;

(2) obtains payment from the Medicaid program under IC 12-15 by means of a false or misleading oral or written statement or other fraudulent means;

(3) acquires a provider number under the Medicaid program except as authorized by law;

(4) alters with the intent to defraud or falsifies documents or records of a provider (as defined in ~~42 CFR 1002.301~~) **42 CFR 1000.30**) that are required to be kept under the Medicaid



1 program; or

2 (5) conceals information for the purpose of applying for or
3 receiving unauthorized payments from the Medicaid program;
4 commits Medicaid fraud, a Class D felony.

5 (b) The offense described in subsection (a) is a Class C felony if the
6 fair market value of the offense is at least one hundred thousand dollars
7 (\$100,000).

8 SECTION 60. IC 35-44-1-1, AS AMENDED BY P.L.222-2005,
9 SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 UPON PASSAGE]: Sec. 1. (a) A person who:

11 (1) confers, offers, or agrees to confer on a public servant, either
12 before or after the public servant becomes appointed, elected, or
13 qualified, any property except property the public servant is
14 authorized by law to accept, with intent to control the
15 performance of an act related to the employment or function of
16 the public servant or because of any official act performed or to
17 be performed by the public servant, former public servant, or
18 person selected to be a public servant;

19 (2) being a public servant, solicits, accepts, or agrees to accept,
20 either before or after the person becomes appointed, elected, or
21 qualified, any property, except property the person is authorized
22 by law to accept, with intent to control the performance of an act
23 related to the person's employment or function as a public servant;

24 (3) confers, offers, or agrees to confer on a person any property,
25 except property the person is authorized by law to accept, with
26 intent to cause that person to control the performance of an act
27 related to the employment or function of a public servant;

28 (4) solicits, accepts, or agrees to accept any property, except
29 property the person is authorized by law to accept, with intent to
30 control the performance of an act related to the employment or
31 function of a public servant;

32 (5) confers, offers, or agrees to confer any property on a person
33 participating or officiating in, or connected with, an athletic
34 contest, sporting event, or exhibition, with intent that the person
35 will fail to use the person's best efforts in connection with that
36 contest, event, or exhibition;

37 (6) being a person participating or officiating in, or connected
38 with, an athletic contest, sporting event, or exhibition, solicits,
39 accepts, or agrees to accept any property with intent that the
40 person will fail to use the person's best efforts in connection with
41 that contest, event, or exhibition;

42 (7) being a witness or informant in an official proceeding or
43 investigation, solicits, accepts, or agrees to accept any property,
44 with intent to:

45 (A) withhold any testimony, information, document, or thing;

46 (B) avoid legal process summoning the person to testify or



1 supply evidence; or
 2 (C) absent the person from the proceeding or investigation to
 3 which the person has been legally summoned;

4 (8) confers, offers, or agrees to confer any property on a witness
 5 or informant in an official proceeding or investigation, with intent
 6 that the witness or informant:

7 (A) withhold any testimony, information, document, or thing;

8 (B) avoid legal process summoning the witness or informant
 9 to testify or supply evidence; or

10 (C) absent the ~~person~~ **witness or informant** from any
 11 proceeding or investigation to which the witness or informant
 12 has been legally summoned; or

13 (9) confers or offers or agrees to confer any property on an
 14 individual for:

15 (A) casting a ballot or refraining from casting a ballot; or

16 (B) voting for a political party, for a candidate, or for or
 17 against a public question;

18 in an election described in IC 3-5-1-2 or at a convention of a
 19 political party authorized under IC 3;

20 commits bribery, a Class C felony.

21 (b) It is no defense that the person whom the accused person sought
 22 to control was not qualified to act in the desired way.

23 SECTION 61. IC 35-47-2-5 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The
 25 superintendent may suspend or revoke any license issued under this
 26 chapter if he has reasonable grounds to believe that the person's license
 27 should be suspended or revoked.

28 (b) Documented evidence that a person is not a "proper person" to
 29 be licensed as defined by IC 35-47-1-7, or is prohibited under ~~section~~
 30 ~~3(g)(4)~~ **section 3(g)(5)** of this chapter from being issued a license, shall
 31 be grounds for immediate suspension or revocation of a license
 32 previously issued under this chapter. However, if a license is suspended
 33 or revoked based solely on an arrest under ~~section 3(g)(4)~~ **section**
 34 **3(g)(5)** of this chapter, the license shall be reinstated upon the acquittal
 35 of the defendant in that case or upon the dismissal of the charges for
 36 the specific offense.

37 (c) A person who fails to promptly return his license after written
 38 notice of suspension or revocation commits a Class A misdemeanor.
 39 The observation of a handgun license in the possession of a person
 40 whose license has been suspended or revoked constitutes a sufficient
 41 basis for the arrest of that person for violation of this subsection.

42 (d) The superintendent shall establish rules under IC 4-22-2
 43 concerning the procedure for suspending or revoking a person's license.

44 SECTION 62. IC 35-48-2-1.5 IS AMENDED TO READ AS
 45 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.5. (a) The
 46 advisory committee shall annually elect a chairperson and any other



officers that the advisory committee determines necessary from among its members.

(b) Meetings of the advisory committee may be called by:

(1) the advisory committee chairperson; or

(2) a majority of the members of the advisory committee.

(c) Seven (7) members of the committee constitute a quorum.

(d) Notwithstanding IC 1-1-4-1, if at least a quorum of its members are present at a meeting, the committee may take an action by an affirmative vote of at least a majority of the members present and voting.

(e) The advisory committee shall adopt rules under IC 4-22-2 to:

(1) set standards related to the registration and control of the manufacture, distribution, and dispensing of controlled substances, including record keeping requirements;

(2) set fees described in IC 25-1-8; and

(3) carry out its responsibilities under IC 35-48-2 through IC 35-48-3. ~~and IC 35-48-6.~~

(f) The health professions bureau shall provide staff and facilities to the advisory committee under IC 25-1-5.

(g) Each member of the committee who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Such a member is also entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the department of administration and approved by the ~~state~~ budget agency.

(h) Each member of the committee who is a state employee is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the department of administration and approved by the budget agency.

SECTION 63. IC 36-7-14-1, AS AMENDED BY P.L.190-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) This chapter applies to all units except:

(1) counties having a consolidated city, and units in those counties, except those units described in subsection (b); and

(2) townships.

(b) This chapter applies to an excluded city (as defined in IC 36-3-1-7) that adopts an ordinance electing to be governed by this chapter and establishes a redevelopment commission under section 3 of this chapter. Upon the adoption of an ordinance under this subsection:

(1) a blighted area;

(2) an economic development area; or

(3) an allocation area previously established under IC 36-7-15.1-37 through IC 36-7-15.1-58;



continues in full force and effect as if the area had been created under this chapter.

(c) A ~~(1)~~ a blighted area, ~~(2)~~ an economic development area, or ~~(3)~~ an allocation area previously established under IC 36-7-15.1-37 through IC 36-7-15.1-58, if described in subsection (b), is subject to the jurisdiction of the redevelopment commission established under section 3 of this chapter and is not subject to the jurisdiction of the commission (as defined in IC 36-7-15.1-37).

SECTION 64. IC 36-7-15.1-37, AS AMENDED BY P.L.190-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 37. (a) As used in this section and sections 38 through 58 of this chapter:

"City" or "excluded city" refers to an excluded city (as defined in IC 36-3-1-7) but does not refer to an excluded city described in IC 36-7-14-1(b).

"Commission" refers to the metropolitan development commission acting as the redevelopment commission of an excluded city.

(b) Sections 38 ~~through~~ **through** 58 of this chapter do not apply to an excluded city described in IC 36-7-14-1(b).

SECTION 65. IC 36-7-31.3-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) A designating body may designate as part of a professional sports and convention development area any facility that is:

(1) owned by the city, the county, a school corporation, or a board under IC 36-9-13, IC 36-10-8, IC 36-10-10, or IC 36-10-11, and used by a professional sports franchise for practice or competitive sporting events; or

(2) owned by the city, the county, or a board under IC 36-9-13, IC 36-10-8, IC 36-10-10, or IC 36-10-11, and used as one (1) of the following:

(A) A facility used principally for convention or tourism related events serving national or regional markets.

(B) An airport.

(C) A museum.

(D) A zoo.

(E) A facility used for public attractions of national significance.

(F) A performing arts venue.

(G) A county courthouse registered on the National Register of Historic Places.

A facility may not include a private golf course or related improvements. The tax area may include only facilities described in this section and any parcel of land on which a facility is located. An area may contain noncontiguous tracts of land within the city, county, or school corporation.

(b) Except for a tax area that is located in a city having a population



1 of:

- 2 (1) more than one hundred fifty thousand (150,000) but less than
 3 five hundred thousand (500,000); or
 4 (2) more than ninety thousand (90,000) but less than one hundred
 5 five thousand (105,000);

6 a tax area must include at least one (1) facility described in subsection
 7 (a)(1).

8 (c) ~~Except as provided in subsection (d),~~ A tax area may contain
 9 other facilities not owned by the designating body if:

- 10 (1) the facility is owned by a city, the county, a school
 11 corporation, or a board established under IC 36-9-13, IC 36-10-8,
 12 IC 36-10-10, or IC 36-10-11; and
 13 (2) an agreement exists between the designating body and the
 14 owner of the facility specifying the distribution and uses of the
 15 covered taxes to be allocated under this chapter.

16 SECTION 66. IC 36-7-32-23, AS AMENDED BY P.L.203-2005,
 17 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 UPON PASSAGE]: Sec. 23. (a) Each redevelopment commission that
 19 establishes a certified technology park under this chapter shall establish
 20 a certified technology park fund to receive:

- 21 (1) property tax proceeds allocated under section 17 of this
 22 chapter; and
 23 (2) money distributed to the redevelopment commission under
 24 section 22 of this chapter.

25 (b) Money deposited in the certified technology park fund may be
 26 used by the redevelopment commission only for one (1) or more of the
 27 following purposes:

- 28 (1) Acquisition, improvement, preparation, demolition, disposal,
 29 construction, reconstruction, remediation, rehabilitation,
 30 restoration, preservation, maintenance, repair, furnishing, and
 31 equipping of public facilities.
 32 (2) Operation of public facilities described in section 9(2) of this
 33 chapter.
 34 (3) Payment of the principal of and interest on any obligations
 35 that are payable solely or in part from money deposited in the
 36 fund and that are incurred by the redevelopment commission for
 37 the purpose of financing or refinancing the development of public
 38 facilities in the certified technology park.
 39 (4) Establishment, augmentation, or restoration of the debt service
 40 reserve for obligations described in subdivision (3).
 41 (5) Payment of the principal of and interest on bonds issued by the
 42 unit to pay for public facilities in or serving the certified
 43 technology park.
 44 (6) Payment of premiums on the redemption before maturity of
 45 bonds described in subdivision (3).
 46 (7) Payment of amounts due under leases payable from money



deposited in the fund.

(8) Reimbursement to the unit for expenditures made by it for public facilities in or serving the certified technology park.

(9) Payment of expenses incurred by the redevelopment commission for public facilities that are in the certified technology park or serving the certified technology park.

(10) For any purpose authorized by an agreement between redevelopment commissions entered into under section 26 of this ~~section~~ **chapter**.

(c) The certified technology park fund may not be used for operating expenses of the redevelopment commission.

SECTION 67. IC 36-8-8-7, AS AMENDED BY P.L.227-2005, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) Except as provided in subsections (d), (e), (f), (g), (h), (k), (l), **and (m)**: ~~and (n)~~:

(1) a police officer; or

(2) a firefighter;

who is less than thirty-six (36) years of age and who passes the baseline statewide physical and mental examinations required under section 19 of this chapter shall be a member of the 1977 fund and is not a member of the 1925 fund, the 1937 fund, or the 1953 fund.

(b) A police officer or firefighter with service before May 1, 1977, who is hired or rehired after April 30, 1977, may receive credit under this chapter for service as a police officer or firefighter prior to entry into the 1977 fund if the employer who rehires the police officer or firefighter chooses to contribute to the 1977 fund the amount necessary to amortize the police officer's or firefighter's prior service liability over a period of not more than forty (40) years, the amount and the period to be determined by the PERF board. If the employer chooses to make the contributions, the police officer or firefighter is entitled to receive credit for the police officer's or firefighter's prior years of service without making contributions to the 1977 fund for that prior service. In no event may a police officer or firefighter receive credit for prior years of service if the police officer or firefighter is receiving a benefit or is entitled to receive a benefit in the future from any other public pension plan with respect to the prior years of service.

(c) Except as provided in section 18 of this chapter, a police officer or firefighter is entitled to credit for all years of service after April 30, 1977, with the police or fire department of an employer covered by this chapter.

(d) A police officer or firefighter with twenty (20) years of service does not become a member of the 1977 fund and is not covered by this chapter, if the police officer or firefighter:

(1) was hired before May 1, 1977;

(2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981); and



- 1 (3) is rehired after April 30, 1977, by the same employer.
- 2 (e) A police officer or firefighter does not become a member of the
- 3 1977 fund and is not covered by this chapter if the police officer or
- 4 firefighter:
- 5 (1) was hired before May 1, 1977;
- 6 (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both
- 7 of which were repealed September 1, 1981);
- 8 (3) was rehired after April 30, 1977, but before February 1, 1979;
- 9 and
- 10 (4) was made, before February 1, 1979, a member of a 1925,
- 11 1937, or 1953 fund.
- 12 (f) A police officer or firefighter does not become a member of the
- 13 1977 fund and is not covered by this chapter if the police officer or
- 14 firefighter:
- 15 (1) was hired by the police or fire department of a unit before May
- 16 1, 1977;
- 17 (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both
- 18 of which were repealed September 1, 1981);
- 19 (3) is rehired by the police or fire department of another unit after
- 20 December 31, 1981; and
- 21 (4) is made, by the fiscal body of the other unit after December
- 22 31, 1981, a member of a 1925, 1937, or 1953 fund of the other
- 23 unit.
- 24 If the police officer or firefighter is made a member of a 1925, 1937, or
- 25 1953 fund, the police officer or firefighter is entitled to receive credit
- 26 for all the police officer's or firefighter's years of service, including
- 27 years before January 1, 1982.
- 28 (g) As used in this subsection, "emergency medical services" and
- 29 "emergency medical technician" have the meanings set forth in
- 30 IC 16-18-2-110 and IC 16-18-2-112. A firefighter who:
- 31 (1) is employed by a unit that is participating in the 1977 fund;
- 32 (2) was employed as an emergency medical technician by a
- 33 political subdivision wholly or partially within the department's
- 34 jurisdiction;
- 35 (3) was a member of the public employees' retirement fund during
- 36 the employment described in subdivision (2); and
- 37 (4) ceased employment with the political subdivision and was
- 38 hired by the unit's fire department due to the reorganization of
- 39 emergency medical services within the department's jurisdiction;
- 40 shall participate in the 1977 fund. A firefighter who participates in the
- 41 1977 fund under this subsection is subject to sections 18 and 21 of this
- 42 chapter.
- 43 (h) A police officer or firefighter does not become a member of the
- 44 1977 fund and is not covered by this chapter if the individual was
- 45 appointed as:
- 46 (1) a fire chief under a waiver under IC 36-8-4-6(c); or



(2) a police chief under a waiver under IC 36-8-4-6.5(c);
 unless the executive of the unit requests that the 1977 fund accept the
 individual in the 1977 fund and the individual previously was a
 member of the 1977 fund.

(i) A police matron hired or rehired after April 30, 1977, and before
 July 1, 1996, who is a member of a police department in a second or
 third class city on March 31, 1996, is a member of the 1977 fund.

(j) A park ranger who:

(1) completed at least the number of weeks of training at the
 Indiana law enforcement academy or a comparable law
 enforcement academy in another state that were required at the
 time the park ranger attended the Indiana law enforcement
 academy or the law enforcement academy in another state;

(2) graduated from the Indiana law enforcement academy or a
 comparable law enforcement academy in another state; and

(3) is employed by the parks department of a city having a
 population of more than one hundred twenty thousand (120,000)
 but less than one hundred fifty thousand (150,000);

is a member of the fund.

(k) Notwithstanding any other provision of this chapter, a police
 officer or firefighter:

(1) who is a member of the 1977 fund before a consolidation
 under IC 36-3-1-5.1 or IC 36-3-1-6.1;

(2) whose employer is consolidated into the fire department of a
 consolidated city under IC 36-3-1-5.1 or IC 36-3-1-6.1; and

(3) who, after the consolidation, becomes an employee of the
 consolidated law enforcement department or the consolidated fire
 department under IC 36-3-1-5.1 or IC 36-3-1-6.1;

is a member of the 1977 fund without meeting the requirements under
 sections 19 and 21 of this chapter.

(l) Notwithstanding any other provision of this chapter, a police
 officer or firefighter who:

(1) before a consolidation under IC 36-3-1-5.1 or IC 36-3-1-6.1,
 provides law enforcement services or fire protection services for
 an entity in a consolidated city;

(2) has the provision of those services consolidated into the fire
 department of a consolidated city; and

(3) after the consolidation, becomes an employee of the
 consolidated law enforcement department or the consolidated fire
 department under IC 36-3-1-5.1 or IC 36-3-1-6.1;

is a member of the 1977 fund without meeting the requirements under
 sections 19 and 21 of this chapter.

(m) A police officer or firefighter who is a member of the 1977 fund
 under subsection (k) or (l) may not be:

(1) retired for purposes of section 10 of this chapter; or

(2) disabled for purposes of section 12 of this chapter;



solely because of a change in employer under the consolidation.

SECTION 68. IC 36-8-19-1.5, AS ADDED BY P.L.227-2005, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.5. If the fire departments of a township ~~is~~ **are** consolidated under IC 36-3-1-6.1, after the effective date of the consolidation the township may not establish fire protection territory under this chapter.

(b) A fire protection territory that is established before the effective date of the consolidation in a township in which the township's fire department is consolidated under IC 36-3-1-6.1 becomes part of the geographic area in which the fire department of a consolidated city provides fire protection services.

SECTION 69. IC 36-9-3-5, AS AMENDED BY P.L.114-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) An authority is under the control of a board (referred to as "the board" in this chapter) that, except as provided in subsections (b) and (c), consists of:

(1) two (2) members appointed by the executive of each county in the authority;

(2) one (1) member appointed by the executive of the largest municipality in each county in the authority;

(3) one (1) member appointed by the executive of each second class city in a county in the authority; and

(4) one (1) member from any other political subdivision that has public transportation responsibilities in a county in the authority.

(b) An authority that includes a consolidated city is under the control of a board consisting of the following:

(1) Two (2) members appointed by the executive of the county having the consolidated city.

(2) One (1) member appointed by the board of commissioners of the county having the consolidated city.

(3) One (1) member appointed by the executive of each other county in the authority.

(4) Two (2) members appointed by the governor from a list of at least five (5) names provided by the Indianapolis regional transportation council.

(5) One (1) member representing the four (4) largest municipalities in the authority located in a county other than a county containing a consolidated city. The member shall be appointed by the executives of the municipalities acting jointly.

(6) One (1) member representing the excluded cities located in a county containing a consolidated city that are members of the authority. The member shall be appointed by the executives of the excluded cities acting jointly.

(7) One (1) member of a labor organization representing employees of the authority who provide public transportation



services within the geographic jurisdiction of the authority. The labor organization shall appoint the member.

(c) An authority that includes a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000) is under the control of a board consisting of the following ~~sixteen (16)~~ **nineteen (19)** members:

(1) Three (3) members appointed by the executive of a city with a population of more than ninety thousand (90,000) but less than one hundred five thousand (105,000).

(2) Two (2) members appointed by the executive of a city with a population of more than seventy-five thousand (75,000) but less than ninety thousand (90,000).

(3) One (1) member jointly appointed by the executives of the following municipalities located within a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):

(A) A city with a population of more than five thousand one hundred thirty-five (5,135) but less than five thousand two hundred (5,200).

(B) A city with a population of more than thirty-two thousand (32,000) but less than thirty-two thousand eight hundred (32,800).

(4) One (1) member who is jointly appointed by the fiscal body of the following municipalities located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):

(A) A town with a population of more than fifteen thousand (15,000) but less than twenty thousand (20,000).

(B) A town with a population of more than twenty-three thousand (23,000) but less than twenty-four thousand (24,000).

(C) A town with a population of more than twenty thousand (20,000) but less than twenty-three thousand (23,000).

(5) One (1) member who is jointly appointed by the fiscal body of the following municipalities located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):

(A) A town with a population of more than eight thousand (8,000) but less than nine thousand (9,000).

(B) A town with a population of more than twenty-four thousand (24,000) but less than thirty thousand (30,000).

(C) A town with a population of more than twelve thousand five hundred (12,500) but less than fifteen thousand (15,000).

(6) One (1) member who is jointly appointed by the following authorities of municipalities located in a county having a population of more than four hundred thousand (400,000) but less



1 than seven hundred thousand (700,000):

2 (A) The executive of a city with a population of more than
3 nineteen thousand eight hundred (19,800) but less than
4 twenty-one thousand (21,000).

5 (B) The fiscal body of a town with a population of more than
6 nine thousand (9,000) but less than twelve thousand five
7 hundred (12,500).

8 (C) The fiscal body of a town with a population of more than
9 five thousand (5,000) but less than eight thousand (8,000).

10 (D) The fiscal body of a town with a population of less than
11 one thousand five hundred (1,500).

12 (E) The fiscal body of a town with a population of more than
13 two thousand two hundred (2,200) but less than five thousand
14 (5,000).

15 (7) One (1) member appointed by the fiscal body of a town with
16 a population of more than thirty thousand (30,000) located within
17 a county with a population of more than four hundred thousand
18 (400,000) but less than seven hundred thousand (700,000).

19 (8) One (1) member who is jointly appointed by the following
20 authorities of municipalities that are located within a county with
21 a population of more than four hundred thousand (400,000) but
22 less than seven hundred thousand (700,000):

23 (A) The executive of a city having a population of more than
24 twenty-five thousand (25,000) but less than twenty-seven
25 thousand (27,000).

26 (B) The executive of a city having a population of more than
27 thirteen thousand nine hundred (13,900) but less than fourteen
28 thousand two hundred (14,200).

29 (C) The fiscal body of a town having a population of more
30 than one thousand five hundred (1,500) but less than two
31 thousand two hundred (2,200).

32 (9) Three (3) members appointed by the fiscal body of a county
33 with a population of more than four hundred thousand (400,000)
34 but less than seven hundred thousand (700,000).

35 (10) One (1) member appointed by the county executive of a
36 county with a population of more than four hundred thousand
37 (400,000) but less than seven hundred thousand (700,000).

38 (11) One (1) member of a labor organization representing
39 employees of the authority who provide public transportation
40 services within the geographic jurisdiction of the authority. The
41 labor organization shall appoint the member. If more than one (1)
42 labor organization represents the employees of the authority, each
43 organization shall submit one (1) name to the governor, and the
44 governor shall appoint the member from the list of names
45 submitted by the organizations.

46 (12) The executive of a city with a population of more than



1 twenty-seven thousand four hundred (27,400) but less than
 2 twenty-eight thousand (28,000), located within a county with a
 3 population of more than one hundred forty-five thousand
 4 (145,000) but less than one hundred forty-eight thousand
 5 (148,000), or the executive's designee.

6 (13) The executive of a city with a population of more than
 7 thirty-three thousand (33,000) but less than thirty-six thousand
 8 (36,000), located within a county with a population of more than
 9 one hundred forty-five thousand (145,000) but less than one
 10 hundred forty-eight thousand (148,000), or the executive's
 11 designee.

12 (14) One (1) member of the board of commissioners of a county
 13 with a population of more than one hundred forty-five thousand
 14 (145,000) but less than one hundred forty-eight thousand
 15 (148,000), appointed by the board of commissioners, or the
 16 member's designee.

17 SECTION 70. IC 36-9-3-9, AS AMENDED BY P.L.114-2005,
 18 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 UPON PASSAGE]: Sec. 9. (a) A majority of the members appointed
 20 to the board constitutes a quorum for a meeting.

21 (b) Except as provided in subsections (c) and (d), the board may act
 22 officially by an affirmative vote of a majority of those present at the
 23 meeting at which the action is taken.

24 (c) If the authority includes a county having a population of more
 25 than four hundred thousand (400,000) but less than seven hundred
 26 thousand (700,000), then:

27 (1) an affirmative vote of a majority of the board is necessary for
 28 an action to be taken; and

29 (2) a vacancy in membership does not impair the right of a
 30 quorum to exercise all rights and perform all duties of the board.

31 (d) This ~~section~~ **subsection** applies to an authority that includes a
 32 county having a population of more than four hundred thousand
 33 (400,000) but less than seven hundred thousand (700,000). A member
 34 described in section 5(c)(12), 5(c)(13), or 5(c)(14) of this chapter may
 35 not vote on the distribution or payment of money by the authority
 36 unless a county with a population of more than one hundred forty-five
 37 thousand (145,000) but less than one hundred forty-eight thousand
 38 (148,000) pays to the authority the county's share of the authority's
 39 budget under this chapter and as agreed by the counties participating
 40 in the authority.

41 SECTION 71. IC 13-11-2-85.7 IS REPEALED [EFFECTIVE
 42 UPON PASSAGE].

43 SECTION 72. P.L.22-2005, SECTION 60, IS AMENDED TO
 44 READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: SECTION
 45 60. (a) The definitions in IC 10-19-1, as added by this act, apply
 46 throughout this SECTION.



(b) As used in this SECTION, "agency" refers to the state emergency management agency established by IC 10-14-2-1.

(c) After April 14, 2005, the following apply:

(1) The agency is abolished.

(2) The powers and duties of the agency are transferred to the department.

(3) A reference to the agency in a statute, a rule, or another document is considered a reference to the department.

(4) All the property of the agency is transferred to the department.

(5) An appropriation to the agency, in effect after April 14, 2005, is transferred to the department.

(6) The following funds are transferred to the department:

(A) The emergency management contingency fund established by IC 10-14-3-28.

(B) The state disaster relief fund established by IC 10-14-4-5.

(C) The nuclear response fund established ~~under IC 10-14-6~~ **by IC 10-14-8-6.**

(7) Personnel positions of the agency are transferred to the department.

(8) This subdivision applies to an individual employed by the agency on April 14, 2005:

(A) The individual is entitled to become an employee of the department on April 15, 2005.

(B) The individual is entitled to have the individual's service as an employee of the agency before April 15, 2005, included for the purpose of computing all applicable employment rights and benefits with the department.

(9) All leases and obligations entered into by the agency before April 15, 2005, that are legal and valid on April 15, 2005, are obligations of the department beginning April 15, 2005.

(d) This SECTION expires July 1, 2008.

SECTION 73. P.L.63-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: SECTION 1. (a) As used in this SECTION, "task force" refers to the environmental crimes task force established by this SECTION.

(b) There is established the environmental crimes task force.

(c) The task force consists of the following members:

(1) Two (2) members of the house of representatives appointed by the speaker of the house of representatives. The members appointed under this subdivision may not be members of the same political party.

(2) Two (2) members of the senate appointed by the president pro tempore of the senate. The members appointed under this subdivision may not be members of the same political party.

(3) Two (2) members appointed by the governor who are representatives of local government. The members appointed



under this subdivision may not be members of the same political party.

(4) Three (3) members appointed by the governor who are representatives of environmental advocacy organizations.

(5) Two (2) members appointed by the governor who are representatives of business and industry.

(6) Two (2) members appointed by the governor who are attorneys with expertise in environmental law.

(7) The commissioner of the department of environmental management or the commissioner's designee.

(8) One (1) member nominated by the attorney general and appointed by the president pro tempore of the senate.

(9) One (1) member nominated by the prosecuting attorneys council of Indiana and appointed by the speaker of the house of representatives who is a representative of prosecuting attorneys.

(10) The director of the law enforcement division of the department of natural resources or the director's designee.

(11) A representative of a business group affected by environmental laws appointed by the governor.

The appointments required under this subsection shall be made before July 1, 2005.

(d) The appointed members of the task force serve at the pleasure of the appointing authority. The appointing authority shall fill any vacancy on the task force within forty-five (45) days.

(e) The chairman of the legislative council shall designate a legislative member of the ~~commission~~ **task force** to serve as chairperson of the ~~commission~~ **task force**.

(f) The expenses of the task force shall be paid from appropriations made to the legislative council or the legislative services agency.

(g) The task force shall do the following:

(1) Conduct studies necessary to prepare a final report that includes at least the following:

(A) A summary of environmental crime statutes of other states.

(B) A summary of requirements of federal environmental programs delegated to states.

(C) A summary of federal criminal sentencing guidelines.

(D) Recommendations about which environmental law violations should be a misdemeanor, a Class D felony, or a felony of another class.

(E) If determined appropriate by the task force, recommendations for legislation, including a set of specific statutory standards for determining criminal violations.

The task force must consider in its studies the full range of issues dealing with environmental law.

(2) Submit its final report before November 1, 2007, to:



- 1 (A) the governor;
- 2 (B) the executive director of the legislative services agency in
- 3 an electronic format under IC 5-14-6; and
- 4 (C) the environmental quality service council.
- 5 (h) The department of environmental management shall provide
- 6 staff support to the task force.
- 7 (i) The task force shall operate under the policies governing study
- 8 committees adopted by the legislative council.
- 9 (j) A quorum of the task force must be present to conduct business.
- 10 A quorum consists of a majority of the members of the task force. The
- 11 task force may not take an official action unless the official action has
- 12 been approved by at least a majority of the members of the task force.
- 13 (k) This SECTION expires January 1, 2008.
- 14 SECTION 74. P.L.177-2005, SECTION 48, IS AMENDED TO
- 15 READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: SECTION
- 16 48. (a) After June 30, 2005, a reference in any law, rule, contract, or
- 17 other document or record to:
- 18 (1) the division of information technology of the Indiana
- 19 department of administration;
- 20 (2) the technology oversight commission; or
- 21 (3) the enhanced data access review committee;
- 22 shall be treated as a reference to the office of technology established by
- 23 IC 4-13.1-2-1, as added by this act.
- 24 (b) On July 1, 2005, the property and obligations of:
- 25 (1) the division of information technology of the Indiana
- 26 department of administration;
- 27 (2) the technology oversight commission; or
- 28 (3) the enhanced **data** access review committee;
- 29 are transferred to the office of technology established by IC 4-13.1-2-1,
- 30 as added by this act.
- 31 (c) An action taken by:
- 32 (1) the division of information technology of the Indiana
- 33 department of administration;
- 34 (2) the technology oversight commission; or
- 35 (3) the enhanced **data** access review committee;
- 36 before July 1, 2005, shall be treated after June 30, 2005, as if the action
- 37 had been taken originally by the office of technology established by
- 38 IC 4-13.1-2-1, as added by this act.
- 39 (d) The funds that are in:
- 40 (1) the telephone rotary fund;
- 41 (2) the data processing rotary fund; and
- 42 (3) the enhanced **data** access review committee;
- 43 shall be transferred to a rotary fund established by the office of
- 44 technology established by IC 4-13.1-2-1, as added by this act, when the
- 45 rotary fund is established by the office of technology.
- 46 (e) On July 1, 2005, individuals who were employees of:



(1) the division of information technology of the Indiana department of administration;

(2) the technology oversight commission; or

(3) the enhanced **data** access review committee;

on June 30, 2005, become employees of the office of technology established by IC 4-13.1-2-1, as added by this act.

(f) This SECTION expires July 1, 2006.

SECTION 75. P.L.228-2005, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: SECTION

33. (a) The definitions in IC 6-1.1-1 apply throughout this SECTION.

(b) As used in this SECTION, "taxpayer" means a nonprofit corporation that is an owner of land and improvements:

(1) that were granted an exemption under IC 6-1.1-10 from property taxes first due and payable in 2001;

(2) that were owned by a sorority and used by the sorority to carry out its purposes during the period relevant to the determination of exemption from property taxes under IC 6-1.1-10-16 or IC 6-1.1-10-24 for the assessment dates in 2002 and 2003;

(3) for which a property tax liability was imposed for property taxes first due and payable in 2003 and 2004 that in total exceeded sixty thousand dollars (\$60,000); and

(4) that would have qualified for an exemption under IC 6-1.1-10-16 or IC 6-1.1-10-24 from property taxes first due and payable in 2003 and 2004 if the owner had complied with the filing requirements for the exemption in a timely manner.

(c) The land and improvements described in subsection (b) are exempt from property taxes first due and payable in 2003 and 2004, notwithstanding that the taxpayer failed to make a timely application for the exemption for those years.

(d) The taxpayer may file claims with the county auditor for a refund for the amounts paid toward property taxes on the land and improvements described in subsection (b) that were billed to the taxpayer for property taxes first due and payable in 2003 and 2004. The claim must be filed as set forth in IC 6-1.1-26-1(1) through IC 6-1.1-26-1(3). The claims must present sufficient facts for the county auditor to determine:

(1) whether the claimant meets the qualifications described in subsection (b); and

(2) the amount that should be refunded to the taxpayer.

(e) Upon receiving a claim filed under this SECTION, the county auditor shall determine whether the claim is correct. If the county auditor determines that the claim is correct, the county auditor shall submit the claim under ~~IC 6-1.1-26-3~~ **IC 6-1.1-26-4** to the county board of commissioners for review. The only grounds for disallowing the claim under IC 6-1.1-26-4 are that the claimant is not a person that meets the qualifications described in subsection (b) or that the amount



1 claimed is not the amount due to the taxpayer. If the claim is allowed,
2 the county auditor shall, without an appropriation being required, issue
3 a warrant to the claimant payable from the county general fund for the
4 amount due the claimant under this SECTION. The amount of the
5 refund must equal the amount of the claim allowed. Notwithstanding
6 IC 6-1.1-26-5, no interest is payable on the refund.
7 (f) This SECTION expires December 31, 2008.
8 SECTION 76. **An emergency is declared for this act.**

